

94th General Assembly

2nd Regular Session

MISSOURI SENATE



WEEKLY BILL STATUS REPORT

**January 28 - February 1, 2008**

Prepared by  
Divisions of Research and Computer Information Systems

\*\*\* SB 711 \*\*\*

3297S.031

SENATE SPONSOR: Gibbons

SCS/SB 711 - This act mandates tax rate roll-backs by all political subdivisions in reassessment years. The manner in which voter approved tax increases are applied to assessed values is modified. The act modifies eligibility and award provisions of the property tax credit and the time-line for assessment and appeal of property taxes.

The maximum award under the property tax credit program is increased from seven hundred fifty dollars to eleven hundred dollars. The maximum upper limit and minimum base amounts, for the property tax credit for calendar year 2008, are extended to all subsequent calendar years.

Voter approved property tax rate increases must be adjusted to derive the same amount of revenue as would be realized if the tax rate increase were applied to a political subdivision's most recent total assessed valuation, as certified by the state tax commission on or before the date of the election in which the increase was approved. Under current law, the Hancock Amendment of the Missouri Constitution requires political subdivisions to roll-back their tax rate ceiling due to increases in assessed value. This act requires every political subdivision, in a reassessment year, to roll-back its prior year's tax rate regardless of whether the political subdivision was levying the tax at its tax rate ceiling. A governing body of a political subdivision may, in a non-reassessment year, modify its tax rate, not to exceed its maximum authorized voter approved levy, through the adoption of an ordinance, resolution, or policy statement explaining its actions.

Effective January 1, 2009, for all charter counties and the City of St. Louis, assessors are required to provide the city or county clerks with assessment books on or before March first of each year. The city or county clerks must make abstracts of the assessment books showing the aggregate amounts of different types of property and the valuations of each type for each political subdivision levying taxes on property. The governing bodies of political subdivisions must use the information provided in the abstracts to informally project non-binding tax rate levies and provide such projected levies to the clerk no later than April 15th of each year. Utilizing the projected tax levies, the county collector must then calculate the projected tax liability for each property for which the assessor intends to provide a notice of increased assessed value by April thirtieth. Failure by a political subdivision to provide projected tax levies by April 15th will result in a twenty percent reduction in such political subdivision tax levy for the tax year. However, if a political subdivision's failure to provide projected tax levies in the time prescribed is due to a delinquency in the provision of, or a failure to provide, the required information by either the clerk or the assessor, no such reduction will be triggered.

Beginning January 1, 2011, all counties will be subject to the same projected tax liability and notice requirements applicable to the City of St. Louis and charter counties.

Under current law, certain counties and the City of St. Louis must deduct either one eighth of one percent or one quarter of one percent of all ad valorem property tax collections and deposit such amount into the county's assessment fund until December 31, 2009. This act extends this requirement until December 31, 2015. If the state tax commission withholds state assessment reimbursement funds from a county for three consecutive quarters, the extra one-eighth of one percent or one quarter of one percent collection revenues in the county assessment fund will be forfeited and returned by the county to the political subdivisions within such county.

The clerk of a circuit court is required to send the county collector a notice that an appeal seeking exemption has been filed upon a taxpayer's timely filing of an appeal of a final decision of the board of equalization. Such notice must contain the name of the taxpayer, the case number assigned by the court, and the parcel or locator number of the property being appealed. The notice to the collector must state that the taxes in dispute are to be impounded. The act also requires the state tax commission to send the county collector a notice of appeal upon timely filing of a taxpayer's appeal. Such notice must contain the taxpayer's name, the appeal number assigned by the commission, the assessed value by the board of equalization and the assessed value proposed by the taxpayer, if such values are available to the commission when the appeal is filed. Such notice must specifically state that the taxes in dispute are to be impounded and if such notice is filed in an odd numbered year, it shall serve as notice to the collector to impound taxes for the following even numbered year if no decision has been rendered in the appeal.

A taxpayer is relieved from the requirement of filing a statement of protest if such taxpayer filed an appeal from a local board of equalization to the state tax commission or circuit court. The act modifies several other provisions of law regarding notification of appeal of assessment and the impounding, investment and refund

of protested tax payments.

The act repeals the requirement that the state tax commission notify each school district of the equivalent sales ratio for the previous year, which was adopted to determine the equalized assessed valuation of the property and the equalized operating levy of the school district for distributions under the old school funding formula.

JASON ZAMKUS

12/01/2007 Prefiled

01/09/2008 S First Read--SB 711-Gibbons, et al (S6)

01/10/2008 Second Read and Referred S Ways & Means Committee (S72)

01/28/2008 Hearing Conducted S Ways & Means Committee

02/04/2008 SCS Voted Do Pass S Ways & Means Committee (3297S.12C)

EFFECTIVE: August 28, 2008

\*\*\* SB 712 \*\*\*

3257S.03I

SENATE SPONSOR: Gibbons

SB 712 - This act prohibits a retailer from advertising the after-rebate price of a good or service unless the retailer will honor the rebate at the time of purchase. Violations shall be considered unlawful merchandising practices, which the Attorney General currently has authority to prosecute.

The act allows a consumer to request that a "security freeze" be placed on his or her credit report, which prohibits credit reporting agencies from releasing the consumer's credit report without specific authorization from the consumer.

Credit reporting agencies are directed to place a freeze on any consumer's credit report within five days of the receipt of such a request. The reporting agency must notify the consumer in writing within ten days of enacting the security freeze and must provide instructions for removing or temporarily lifting the freeze.

Credit reporting agencies may issue credit reports subject to a freeze in certain circumstances that include: when requested or authorized by the consumer, pursuant to a court order, during times when the freeze has been temporarily lifted by the consumer, when used for prescreening purposes, when requested by a child support enforcement agency, for certain insurance purposes, or to anyone with whom the consumer has an existing debtor-creditor relationship.

Credit reporting agencies must supply any consumer who believes he or she has been a victim of identity theft with a summary of rights as specified.

Credit reporting agencies that violate this act shall be liable for actual damages sustained by any affected consumer, the affected consumer's court costs and reasonable attorney fees, and may be subject to other equitable relief assessed by a court.

These sections are similar to provisions in SB 507 (2007) and SB 737 (2006).

ERIKA JAQUES

12/01/2007 Prefiled

01/09/2008 S First Read--SB 712-Gibbons and Rupp (S6)

01/10/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S72)

01/24/2008 Hearing Conducted S Commerce, Energy and the Environment Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 713 \*\*\*

3511S.03I

SENATE SPONSOR: Gibbons

SB 713 – This act grants civil immunity to employees of the Department of Elementary and Secondary Education, to employees of school districts, and to school districts who report on or discuss employee job performance for the purpose of making employment decisions affecting the safety of students. The legal expense fund shall pay for the defense of any school district or school district employee.

MICHAEL RUFF

12/01/2007 Prefiled

01/09/2008 S First Read--SB 713-Gibbons (S6)  
 01/10/2008 Second Read and Referred S Education Committee (S72)  
 01/11/2008 Hearing Cancelled S Education Committee  
 01/23/2008 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 714 \*\*\*

3292S.031

SENATE SPONSOR: Loudon

SB 714 - This act modifies various provisions relating to child pornography.

Section 573.025

A person is guilty of promoting child pornography in the first degree if, knowing of its contents and character, such person possesses with the intent to promote or promotes child pornography of a child less than 14 years of age or obscene material portraying what appears to be a child less than fourteen years of age. This section prohibits any person who pleads guilty to or is found guilty of promoting child pornography in the first degree from being eligible for probation or parole for at least 3 years.

Section 573.035

A person is guilty of promoting child pornography in the second degree if, knowing of its contents and character, such person possesses with the intent to promote or promotes child pornography of a minor under the age of eighteen or obscene material portraying what appears to be a minor under the age of eighteen. This section prohibits any person convicted of promoting child pornography in the second degree from being eligible for probation.

Section 573.037

A person commits possession of child pornography if, knowing of its content and character, such person possesses any child pornography of a minor under the age of eighteen or obscene material portraying a minor under the age of eighteen.

This section makes possession of child pornography a class C felony unless the person possesses more than twenty still images or one film or videotape of child pornography or has previously committed this offense, in which case, the crime is a class B felony. Currently, possession of child pornography is a class D felony unless the offender has previously committed this offense, in which case, the crime is a class C felony.

Section 573.038

This section requires that in any criminal proceeding, any property or material that constitutes child pornography shall remain in the custody of the state or the court. The court shall deny requests to copy or reproduce the child pornography if it is made reasonably available to the defendant by providing ample opportunity for inspection, viewing, and examination at a state or other governmental facility.

This act contains an emergency clause.

This act is similar to SB 5 (2007).

SUSAN HENDERSON MOORE

12/01/2007 Prefiled  
 01/09/2008 S First Read--SB 714-Loudon and Gibbons (S6)  
 01/10/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S72)  
 02/04/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: Emergency Clause

\*\*\* SB 715 \*\*\*

3686S.021

SENATE SPONSOR: Loudon

SB 715 – This act establishes the Safe Schools Fund. Beginning in fiscal year 2010, and in each subsequent year, the General Assembly shall appropriate \$9 million to the fund. The Department of Elementary and Secondary Education shall annually distribute the moneys to each school district in proportion to their average daily attendance.

School districts may use the money from the fund for various safety related purposes as described in the

act. Each district must notify DESE how it uses the funds. DESE may withhold future payments from the fund if it determines that a district has misused any of the moneys.

Each school district must institute lock-down procedures for each school building in the event a potentially dangerous or armed intruder enters the school. Each school building must also conduct a drill at least once a year. DESE shall establish guidelines by January 1, 2009 to assist school district in implementing such procedures. Each school district must adopt and implement an anti-bullying policy to receive funding.

This act is similar to SB 6 (2007).

MICHAEL RUFF

12/01/2007 Prefiled  
01/09/2008 S First Read--SB 715-Loudon (S6)  
01/10/2008 Second Read and Referred S Education Committee (S72)  
01/16/2008 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 716 \*\*\*

3650S.011

SENATE SPONSOR: Loudon

SB 716 - This act provides that the official dating standard used by the state of Missouri shall be A.D., or Anno Domini, and B.C., or Before Christ. Neither the state, nor any political subdivision, shall use any other designation.

This act is identical to SB 669 (2007).

JIM ERTLE

12/01/2007 Prefiled  
01/09/2008 S First Read--SB 716-Loudon, et al (S6)  
01/10/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S72)  
01/23/2008 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee  
01/30/2008 Voted Do Pass S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 717 \*\*\*

3449S.011

SENATE SPONSOR: Kennedy

SB 717 - This act increases the amount of tax credits available for taxpayers who modify their home to be accessible for disabled people who reside with such taxpayer. Under current law, up to one hundred thousand dollars in tax credits remaining unused under the rebuilding communities tax credit program are allocated for use by taxpayers who modify their homes for disabled persons residing with such taxpayers. This act increases the amount of available tax credits by allocating all unused tax credits under the rebuilding communities tax credit program for use by taxpayers who modify their homes for disabled persons residing with such taxpayers. The rebuilding communities tax credit program is capped at ten million dollars annually.  
JASON ZAMKUS

12/01/2007 Prefiled  
01/09/2008 S First Read--SB 717-Kennedy and Shields (S6)  
01/10/2008 Second Read and Referred S Ways & Means Committee (S72)  
02/04/2008 Hearing Cancelled S Ways & Means Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 718 \*\*\*

3497S.011

SENATE SPONSOR: Kennedy

SCS/SB 718 - The act increases the cap on annual issuance of tax credits for the enhanced enterprise zone tax credit program from fourteen million to twenty four million dollars. Under current law, no new tax credits may be approved by the department of economic development for job retention projects, authorized under the Missouri Quality Jobs Act, after August 30, 2007. This act extends the sunset to August 30, 2013. The maximum amount of tax credits which may be issued annually under the Missouri quality jobs act is increased from forty million dollars to sixty million dollars.

JASON ZAMKUS

12/01/2007 Prefiled  
 01/09/2008 S First Read--SB 718-Kennedy (S6)  
 01/10/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S72)  
 01/16/2008 Hearing Conducted S Economic Development, Tourism & Local Government Committee  
 01/23/2008 SCS Voted Do Pass S Economic Development, Tourism & Local Government Committee (3497S.02C)

EFFECTIVE: August 28, 2008

\*\*\* SB 719 \*\*\*

3598S.02I

SENATE SPONSOR: Kennedy

SB 719 - Beginning January 1, 2009, this act provides that each publisher or vendor of print instructional materials must make electronic files of the materials available at no cost to schools purchasing the print materials, along with the right to reproduce and distribute such materials in specialized formats, such as Braille, large print, digital audio and electronic text. The publisher or vendor must deliver the electronic files within 30 days of the request by the school.

If a publisher or vendor fails to comply with the provisions of this act, the publisher or vendor shall be liable to the school that purchased the materials in an amount of three times the cost to the purchasing school to obtain materials in the needed specialized formats.

The Missouri Assistive Technology Advisory Council is required to establish a system to track and catalog access and production of accessible format instructional materials in order to increase reutilization of such material.

This act is substantially similar to SB 566 (2007).

JIM ERTLE

12/01/2007 Prefiled  
 01/09/2008 S First Read--SB 719-Kennedy (S6)  
 01/10/2008 Second Read and Referred S Education Committee (S72)

EFFECTIVE: August 28, 2008

\*\*\* SB 720 \*\*\*

3054S.01I

SENATE SPONSOR: Coleman

SCS/SB 720 - This act establishes a hot weather rule during the period from June 1 to September 30. During this time, natural gas or electricity providers are prohibited from disconnecting service to residential customers on days when either the temperature is expected to rise above 95 degrees or the heat index is expected to rise above 105 degrees for the following twenty-four hour period or on days when service personnel will not be available to reconnect service and the temperature or heat index is expected to rise above these marks.

This act is similar to SB 11 (2007) and SB 955 (2006).

ERIKA JAQUES

12/01/2007 Prefiled  
 01/09/2008 S First Read--SB 720-Coleman (S6)  
 01/10/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S72)  
 01/17/2008 Hearing Conducted S Commerce, Energy and the Environment Committee  
 01/24/2008 SCS Voted Do Pass S Commerce, Energy and the Environment Committee (3054S.02C)

EFFECTIVE: August 28, 2008

\*\*\* SB 721 \*\*\*

3058S.01I

SENATE SPONSOR: Coleman

SB 721 - Under current regulations promulgated by the Public Service Commission that establish the Cold Weather Rule, gas and electric service may not be discontinued to residential customers on any day

when the National Weather local forecast between certain hours predicts that the temperature will drop below 32 degrees Fahrenheit during the following 24 hours.

This act extends the forecast prediction period of time from 24 hours to 72 hours.

This act is similar to SB 567 (2007).

ERIKA JAQUES

12/01/2007 Prefiled

01/09/2008 S First Read--SB 721-Coleman (S6)

01/10/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S72)

EFFECTIVE: August 28, 2008

\*\*\* SB 722 \*\*\*

3064S.011

SENATE SPONSOR: Coleman

SB 722 - This act exempts motor fuel used for school buses, by school districts or persons contracted with school districts to provide school bus services. The exemption provided by this act will be granted to the school district for which the fuel is consumed in the form of a refund, regardless of whether the school district paid the tax or the tax was paid by persons contracted with the district to provide school bus services.

This act is identical to SB 421 (2007).

JASON ZAMKUS

12/01/2007 Prefiled

01/09/2008 S First Read--SB 722-Coleman (S7)

01/10/2008 Second Read and Referred S Ways & Means Committee (S72)

02/04/2008 Hearing Cancelled S Ways & Means Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 723 \*\*\*

3347S.011

SENATE SPONSOR: Scott

SB 723 - This act modifies the educational requirements for Highway Patrol members and radio personnel. It also requires the POST Commission to establish these same educational requirements as part of the minimum standards for the basic training of peace officers.

This act is similar to SCS/SB 369 (2007).

SUSAN HENDERSON MOORE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 723-Scott (S7)

01/10/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S72)

01/22/2008 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 724 \*\*\*

3351S.011

SENATE SPONSOR: Scott

SCS/SB 724 - Currently, advanced practice registered nurses have the authority to administer, dispense and prescribe certain drugs while operating under a collaborative practice agreement. This act authorizes advanced practice registered nurses who hold a certificate of controlled substance prescriptive authority from the board of nursing to prescribe controlled substances in schedules III, IV, and V while operating under a collaborative practice agreement.

The act contains requirements that must be contained in all collaborative practice agreements including:

- Names, addresses, and phone numbers of the collaborating individuals.
- A list of offices where the collaborating physician has authorized the APRN to prescribe.
- A requirement that notice shall be displayed at all offices where an APRN is prescribing, that informs patients that they may be seen by an APRN.

- All specialty or board certifications.
- The details of the collaboration including geographic proximity, and how absences are handled.
- A description of the prescriptive authority including a list of controlled substances the physician authorizes.
  - A list of all other practice agreements involving the collaborating individuals.
  - The duration of the agreement.
  - A description of the time and manner of the collaborating physician's review of the APRN's prescribing practices

The act modifies requirements for all collaborative arrangements including the following:

- Physicians shall not collaborate with more than three full time APRNs
- APRNs shall practice for one month in a setting where the collaborating physician is continuously present.
- Neither physicians nor APRNs shall be required to enter collaborative practice agreements.

The act defines advanced practice registered nurse, certified advanced registered nurse practitioner, certified clinical nurse specialist, certified nurse midwife, and certified registered nurse anesthetist.

The act includes experience and practice requirements that are prerequisites for the board of nursing to grant a certificate of controlled substance prescriptive authority.

This act is similar to SB 1255 (2004), SCS/SB 90 (2005), SS/SCS/SB 566 (2006), and SB 511 (2007).  
CHRIS HOGERTY

12/01/2007 Prefiled  
01/09/2008 S First Read--SB 724-Scott, et al (S7)  
01/10/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S72)  
01/28/2008 Hearing Conducted S Financial & Governmental Organizations and Elections Committee  
02/04/2008 SCS Voted Do Pass S Financial & Governmental Organizations and Elections Committee (3351S.03C)

EFFECTIVE: August 28, 2008

\*\*\* SB 725 \*\*\*

3372S.021

SENATE SPONSOR: Scott

SB 725 - Under current law, a taxpayer who trades-in or exchanges a motor vehicle, trailer, boat or outboard motor may apply subtract the value of such transaction from the purchase price of another motor vehicle, trailer, boat or outboard motor if such sale is consummated within one hundred and eighty days of the sale of the original article. If the value of the original transaction equals or exceeds the sale price, no tax is owed. This act allows taxpayers who trade-in or sell a motor vehicle, trailer, boat, or outboard motor for more than the purchase price of another motor vehicle, trailer, boat or outboard motor to apply any excess to any subsequent purchase of such an article within one hundred and eighty days of the original sale of such article. The act extends the same treatment to items replaced due to theft, casualty, or loss.

JASON ZAMKUS

12/01/2007 Prefiled  
01/09/2008 S First Read--SB 725-Scott (S7)  
01/10/2008 Second Read and Referred S Ways & Means Committee (S72)

EFFECTIVE: August 28, 2008

\*\*\* SB 726 \*\*\*

3388S.021

SENATE SPONSOR: Shields

SCS/SB 726 - This act modifies provisions relating to child care facilities.

#### QUALITY RATING SYSTEM

This act requires the Department of Social Services in collaboration with the Departments of Health and Senior Services, Elementary and Secondary Education, and Mental Health to develop by September 1, 2008, a quality rating system for early childhood and before-and after-school programs licensed by the Department of Health and Senior Services that operate in this state. The licensing of such facilities shall be the baseline, while the highest rating includes accreditation. The departments shall utilize the model from the existing

Missouri quality rating system pilots developed by the University of Missouri Center for Family Policy and Research to establish the system. The system will allow consumers and parents to evaluate and select high quality programs and creates a system of accountability for policymakers and those who fund such programs.

By July 1, 2011, all licensed child care facilities voluntarily receiving quality improvement funds and services shall, upon the facilities' request, be rated using the quality rating system established under this act. The Coordinating Board of Early Childhood shall develop a plan for a tiered system of reimbursement for child care subsidies based on the quality rating system established under this act. The proposed plan shall be submitted to the General Assembly with recommendations for implementation of the reimbursement system by December 31, 2009. The plan shall only become effective upon passage of a concurrent resolution by the General Assembly authorizing the implementation of the plan.

The Quality Rating System Program Improvement Grant Fund is established and shall consist of all gifts, donations, transfers, moneys appropriated by the general assembly, and bequests to the fund. Money in the fund shall be used to provide grants directly to licensed providers seeking assistance for quality improvements to undergo evaluation under the quality rating system established under this act or to community-based organizations assisting providers with such improvements.

The Department of Social Services in collaboration with the Departments of Health and Senior Services, and Elementary and Secondary Education shall be responsible for promoting and distributing materials to educate the public and providers about the quality rating system established under this act. By January 1, 2010, the ratings of the quality rating system shall be posted on the Internet in a format easily understood and accessible by the public.

The provisions relating to the quality rating system shall sunset in six years. These provisions are similar to SB 161 (2007).

#### CHILD CARE SUBSIDIES

This act provides that the Children's Division within the Department of Social Services, shall develop rules to become effective by July 1, 2009, modifying the income eligibility criteria for any person receiving state-funded child care assistance, either through vouchers or direct reimbursement to child care providers.

Persons receiving state-funded child care assistance with family incomes of less than 140 percent of the federal poverty level shall receive child care subsidy benefits, less a sliding scale fee established by the division based on family size and income.

A person receiving state-funded child care assistance and whose income surpasses 140 percent of the federal poverty level may continue to receive reduced subsidy benefits on a scale established by the division until such person's income reaches 185 percent of the federal poverty level. At such time, the person will have assumed the full cost of the maximum base child care subsidy rate established by the children's division and shall no longer be eligible for child care subsidy benefits.

If appropriations in a given fiscal year are insufficient to provide the subsidy established under this act for all eligible recipients, the division shall establish a waiting list and promulgate rules for the prioritization of eligible recipients on the waiting list. The sliding fee scale may be waived for children with special needs.

By July 1, 2009, the Children's Division shall be required to reimburse all licensed child care providers serving families receiving state-funded child care assistance at the current market rate for child care as established by the division's biennial state market rate survey.

The provisions relating to child care subsidies are similar to SB 776 (2008).

ADRIANE CROUSE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 726-Shields (S7)

01/10/2008 Second Read and Referred S Education Committee (S72)

01/16/2008 Hearing Conducted S Education Committee

01/30/2008 SCS Voted Do Pass S Education Committee (3388S.04C)

EFFECTIVE: August 28, 2008

SB 727 - This act criminalizes the act of committing residential mortgage fraud with the intent to defraud.

An individual commits the crime by engaging in the following practices:

- Knowingly making a misrepresentation or omission during the mortgage lending process.
- Knowingly using or facilitating the use of a misrepresentation or omission during the mortgage lending process.
- Reaping any benefit from the making, using, or facilitating the use of such misrepresentation or omission.
- Filing or causing to be filed any document in connection with a mortgage containing a deliberate misstatement, misrepresentation, or omission.

Those in violation are guilty of a class D felony. Those who engage in a pattern of this type of fraud are guilty of a class B felony.

This act is similar to SB 560 (2007).

CHRIS HOGERTY

12/01/2007 Prefiled

01/09/2008 S First Read--SB 727-Shields and Gibbons (S7)

01/10/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S72)

EFFECTIVE: August 28, 2008

\*\*\* SB 728 \*\*\*

3235S.011

SENATE SPONSOR: Shields

SB 728 - This act designates a portion of U.S. Highway 169 from its intersection with Missouri Route 6, north to its intersection with Gene Field Road, as the "Deputy Charles M. Cook Memorial Highway". The Department of Transportation shall erect and maintain appropriate signs commemorating this portion of U. S. Highway 169, with the cost of such signs to be paid by the St. Joseph Fraternal Order of Police.

STEPHEN WITTE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 728-Shields (S7)

01/10/2008 Second Read and Referred S Transportation Committee (S72)

01/23/2008 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 729 \*\*\*

3235S.011

SENATE SPONSOR: Griesheimer

SB 729 - This act creates the Missouri County Planning Act. Nothing in this act shall affect the existence or validity of a county ordinance or order adopted prior to August 28, 2008.

#### ESTABLISHMENT, POWERS, AND OPERATION OF PLANNING COMMISSIONS

This act allows any county to create, adopt, amend, and carry out a county plan. Any county commission may establish and appoint a planning commission.

If a specified percentage of voters sign a petition to form a planning commission, the election authority shall place the question before the voters on the ballot. This act contains petition and ballot language. If the voters approve the formation of a commission, one shall be formed and have the same rights as other planning commissions.

The county commission shall appoint members to the planning commission, and shall, by resolution, ordinance, or order, establish the procedures for membership, compensation, terms, vacancies, and removal. Once formed, the commission shall elect officers and adopt rules.

The planning commission shall have various powers, including preparing and reviewing comprehensive plans, recommending regulations, reviewing plat applications, public improvements for accordance with the comprehensive plan, and zoning regulations, appointing employees, other powers delegated to it by the county commission.

COMPREHENSIVE PLAN

The purpose of a comprehensive plan is to guide and accomplish the coordinated, efficient, and orderly physical development of the county. The planning commission may determine the applicability to the county of certain elements, such as land use, transportation, housing, community facilities, economic development, natural, cultural, or historical resources, human services, community design, and sustainability. The comprehensive plan developed by the commission may contain policies regarding any of these elements.

During the process of developing a plan, the commission shall accept and consider public comments. The commission must provide public notice and hold at least one public hearing prior to adopting a plan. The planning commission, by a majority vote, may adopt a comprehensive plan as a whole by a single resolution. The commission may also adopt portions of the plan at different times.

Upon adoption, the plan must be properly filed. A record of the public involvement must be attached to the resolution approving the plan. The plan may be adopted by the county commission by resolution. The planning commission may periodically review and amend the comprehensive plan. Amendments to the plan may be prepared at any time.

#### SUBDIVISION REGULATIONS

Under this act, the planning commission may recommend, and the county commission may adopt, regulations governing the subdivision of land. In lieu of immediate installation of work required by the regulations, the commission may, at the option of the developer, accept an escrow secured with cash or an irrevocable letter of credit or a surety bond, which provides for the construction of such improvements within a certain period of time.

If a developer transfers title of the subdivision property prior to full release of the escrow or bond, the county shall accept a replacement escrow or bond from the successor developer and release the original developer from further obligations. The county shall release any escrow or bond held to secure actual construction on a category of improvements or utilities within 30 days of completion. The county must inspect each category for completion within 20 business days after a request to do so. If the county does not release the escrow or bond in the time permitted, the county shall pay the owner or developer the funds due plus interest. Any developer aggrieved by the county's failure to meet these requirements may bring a civil action to enforce these requirements.

Before adopting or amending subdivision regulations, the planning commission must provide notice and hold a public hearing. A county commission may hold a public hearing, but no separate hearing is required for the adoption of subdivision regulations by the county commission after receiving the planning commission's recommendation.

After subdivision regulations are adopted, no subdivision plat shall be recorded until it is approved by the planning commission, unless the commission does not act within 30 days. The county commission may overrule the rejection of a plat by the planning commission after a public hearing. Any municipality may protest the action of the planning commission and further action must be taken by the county commission. At the request of a municipality, a planning commission may subject subdivision plats to its regulations.

The planning commission, after a hearing, may vacate any plat of a subdivision of land.

#### REVIEW OF PUBLIC IMPROVEMENTS

After a planning commission adopts a comprehensive plan, no street, public improvement, or public utility may be constructed in a location within the plan, without approval by the commission. The act outlines a procedure for the aggrieved party to follow if the commission does not approve the construction.

#### MAJOR STREET PLAN

A planning commission may adopt a major street plan for all areas of the county in accordance with the transportation element of a comprehensive plan. The county may by ordinance establish building lines on any public street identified in the street plan.

#### ZONING REGULATIONS

A planning commission may recommend, and the county commission may adopt, zoning regulations. Prior to adopting zoning regulations, the county commission shall submit the question of whether it should adopt such regulations to the voters. The act describes what the zoning regulations may include and what they may regulate. The regulations must define the boundaries of zoning districts or other areas where the regulations differ from one another. One appointed person shall be responsible for interpreting the zoning

ordinances.

Under this act, farm buildings and farm structures that are not designated as flood plains are exempt from zoning regulations.

#### ZONING PROCEDURES

After recommendations from the planning commission, the county commission may adopt the regulations.

The planning commission must provide notice and shall hold a public hearing on proposed zoning regulations. The act provides how the commission shall approve recommendations and the procedure of the county commission when either approving or overruling the commission's recommendations.

The county commission or planning commission may make changes to the regulations or boundaries of zoning districts in accordance with the comprehensive plan. A procedure is established for amending such regulations.

#### BOARD OF ZONING ADJUSTMENT

Any county commission, which has adopted a zoning map and regulations, shall appoint a county board of zoning adjustment. The board shall consist of five residents with not more than two being residents of incorporated areas. After the initial members have staggered terms, the members shall serve four-year terms.

The board shall have the following powers and it shall be its duty to:

- 1) Hear and decide appeals about errors of law or any determination made by officials regarding zoning regulations;
- 2) Hear and decide matters referred to it or matters it is required to determine under the zoning regulations; and
- 3) Authorize a variance from the strict application of a regulation when it causes a property owner to endure an unreasonable hardship.

The board shall elect a chair and adopt rules of procedure. Meetings of the board shall be open to the public. This act outlines who may bring appeals and when such appeals may be brought before the board. With limited exceptions, an appeal shall stay all proceedings in furtherance of the action appealed. Any person aggrieved by a decision of the board may petition the circuit court for relief.

#### VIOLATIONS AND PENALTIES

Any violation of any regulation adopted under the authority of this act shall be a misdemeanor with each day of the offense being considered a separate offense. Any county commission that has appointed a county counselor may impose a civil fine for each violation under this act. The fines will be payable to the county general revenue fund and go towards paying the costs of enforcing this act. The county, county commission, planning commission, or any property owner whose property is affected, may bring an action to enforce the regulations.

No land owner within a platting jurisdiction of a county that has adopted subdivision regulations may transfer such land before the plat has been approved by the county commission or planning commission and properly recorded. Each improper transfer is a violation and may be enjoined by the county.

The county may designate a zoning inspector to examine and serve violation orders. The act sets out the penalties for persons who refuse to comply with such orders.

#### MISCELLANEOUS PROVISIONS

The authority granted under this act shall not be used to deprive the owner of any existing property of its use or maintenance for the purpose to which it is lawfully devoted. The authority granted shall also not interfere with public utility services that are or may be authorized.

Counties may enter into agreements with other public or private organizations, agencies, or bodies to perform planning duties and functions and adopt plans prepared pursuant to cooperative agreements. The county commission may adopt regulations created pursuant to such agreements.

This act is similar to SB 193 (2007).  
SUSAN HENDERSON MOORE

12/01/2007 Prefiled  
01/09/2008 S First Read--SB 729-Griesheimer (S7)  
01/10/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S72)

EFFECTIVE: August 28, 2008

\*\*\* SB 730 \*\*\*

3233S.011

SENATE SPONSOR: Griesheimer

SB 730 – This act allows any first class county to establish a county municipal court to prosecute and punish violations of county ordinances. The county may also prosecute and punish municipal ordinance violations pursuant to a contract with any municipality within the county. The judges for such court shall be appointed by the county commission with the number of judges established by county ordinance. The organization and session schedule of the court shall also be established by ordinance.

This act modifies the foundation formula by granting hold harmless districts that are located at least partially in any county that has created or creates a county municipal court after June 30, 2004 an additional payment equal to the decrease, if any, in the amount of revenue the district receives from fines in the current year from the revenue the district received from fines in fiscal year 2005.

This act is similar to provisions contained in SB 970 (2006), SB 894 (2006), SB 83 (2007) and HB 193 (2007).

MICHAEL RUFF

12/01/2007 Prefiled  
01/09/2008 S First Read--SB 730-Griesheimer (S7)  
01/10/2008 Second Read and Referred S Education Committee (S72)

EFFECTIVE: August 28, 2008

\*\*\* SB 731 \*\*\*

3625S.021

SENATE SPONSOR: Griesheimer

SB 731 - This act exempts certain motorists from submitting their motor vehicles to safety and/or emissions inspections when renewing their certificate of registrations on vehicles which were initially issued one year license plate tabs in that the vehicles were not qualified to be licensed on a biennial basis. The used motor vehicles are not eligible for biennial registrations because the vehicles are even-numbered model year vehicles being registered during an odd-numbered calendar year or the vehicles are odd-numbered model year vehicles being registered during an even-numbered calendar year. Therefore, when an owner renews his or her registration the year following the purchase of the used vehicle, he or she will not have to submit the vehicle to a safety or emissions inspection. The act provides that the Director of Revenue shall renew the person's certificate of registration without proof of such inspections provided the owner presents all other documents required by law and pays all applicable registration fees.

STEPHEN WITTE

12/01/2007 Prefiled  
01/09/2008 S First Read--SB 731-Griesheimer (S7)  
01/10/2008 Second Read and Referred S Transportation Committee (S72)

EFFECTIVE: August 28, 2008

\*\*\* SB 732 \*\*\*

3442S.011

SENATE SPONSOR: Champion

SB 732 - This act modifies a number of provisions relating to monitoring of drugs.

Current law requires certain documentation relating to the sale of products containing pseudoephedrine. For non-prescription pseudoephedrine products, this act requires that the photo identification that must currently be provided to the pharmacist must be issued by a state or the federal government, or another

acceptable document and that such identification must be furnished prior to purchase. The log currently maintained by pharmacists is modified to now include the signature of the purchaser, the name of the product and the time of the purchase. The act also requires that the log be electronic, rather than written. The seller is required to deliver the product directly into the custody of the purchaser.

The act modifies the current gram limits for the sale of pseudoephedrine products. The act provides that the limits do not apply to quantities that must be sold, dispensed or distributed in a pharmacy under a valid prescription or to any purchase by an individual of a single package containing not more than 60 mg of pseudoephedrine. The current 30 day period limit of 9 grams to a person applies without regard to the number of transactions. For mail order or mobile retail sales within a 30 day period, the limit on pseudoephedrine products shall be 7.5 grams without regard to the number of transactions. Within a twenty-four hour period, no person may obtain 3.6 grams without regard to the number of transactions.

The act provides that liquid or liquid-filled gel capsule forms of pseudoephedrine must be in a place where customers do not have direct access to them. The act repeals provisions that exempted the liquid and liquid-filled gel capsule forms of pseudoephedrine from recordkeeping and log maintenance requirements.

The person selling the pseudoephedrine products shall maintain an electronic log of each transaction, including the name and signature of the purchaser, the name of the drug, the date and time of purchase and the name or initials of the person selling the drugs.

The act establishes a drug monitoring program in the Department of Health and Senior Services. The program will monitor the prescribing and dispensing of all Schedule II through Schedule V controlled substances by all licensed professionals who prescribe or dispense these substances in Missouri. The dispenser must electronically submit to the department information for each prescription or dispensing. The act specifies the frequency of the submissions. The department may issue a waiver to a dispenser who is unable to submit the required information electronically. If a waiver is obtained, a dispenser may submit the required information in paper format or by other approved means. With certain listed exceptions, all submitted prescription information shall be confidential.

The act authorizes the release of non-personal, general information for statistical, educational, and research purposes. The department may contract with other state agencies or private vendors to implement the provisions of this act. The act contains penalty provisions for dispensers and authorized persons who violate provisions of the act. The department is required to implement certain education courses regarding the prescription monitoring program. The department shall, when appropriate, work with associations for impaired professionals to ensure ongoing monitoring and treatment and encourage individual patients who are addicted to substances monitored by the program to receive addiction treatment.

Nothing in the drug monitoring program shall be construed to require a dispenser or prescriber to access or check information from the program prior to dispensing, prescribing or administering medications. Dispensers and prescribers are immune from liability based on any claim of damages as a result of accessing or failing to access the information in the drug monitoring program.

The provisions of this act shall be effective on January 1, 2009 and the drug monitoring program shall sunset in six years.

In addition, this act modifies and adds to the current names of scheduled controlled substances.

This act is similar to HCS/SS/SCS/SB 85 (2007), SB 797 (2006), SB 158 (2005) and HB 987 (2004).  
JIM ERTL

12/01/2007 Prefiled

01/09/2008 S First Read--SB 732-Champion, et al (S7)

01/10/2008 Second Read and Referred S Seniors, Families and Public Health Committee (S72)

01/29/2008 Hearing Conducted S Seniors, Families and Public Health Committee

EFFECTIVE: January 1, 2009

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\*\*\* SB 733 \*\*\*

3291S.011

SENATE SPONSOR: Champion

SB 733 - This act requires crime laboratories providing reports or testimony to a state court pertaining to a result of the forensic analysis of evidence to be accredited by a laboratory accrediting organization

approved by the department of public safety. Crime laboratories shall comply with these requirements on or after December 31, 2010. Under this act, the term "crime laboratory" means a laboratory operated or supported financially by the state or any unit of local government that employs at least one scientist, who examines physical evidence in criminal matters and provides expert or opinion testimony about such evidence in state court.

The department shall promulgate rules identifying approved accrediting bodies and shall establish a procedure for monitoring crime laboratory compliance.

SUSAN HENDERSON MOORE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 733-Champion and Gibbons (S7)

01/10/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S72)

01/22/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 734 \*\*\*

3367S.011

SENATE SPONSOR: Champion

SB 734 - This act adds a circuit judge position within the thirty-first judicial circuit, starting January 1, 2009, to be known as division six. The Governor shall appoint a judge to the position, and the election for the position shall take place at the 2009 general election.

This act is similar to SB 23 (2007).

ALEXA PEARSON

12/01/2007 Prefiled

01/09/2008 S First Read--SB 734-Champion (S7)

01/10/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S72)

EFFECTIVE: August 28, 2008

\*\*\* SB 735 \*\*\*

3446S.021

SENATE SPONSOR: Bartle

SB 735 - This act requires the Joint Committee on Tax Policy to review all state tax credit programs which are not currently subject to a sunset. The joint committee is required to report its findings to the general assembly. Effective December 31, 2013, no tax credits, authorized under programs which are not subject to a sunset, may be issued unless the general assembly adopts a concurrent resolution approving and re-authorizing such tax credit program after it has been reviewed by the joint committee, or a general law is enacted modifying provisions of such tax credit program. Any tax credit program re-authorized in accordance with this act will be deemed a new program and thus subject to a six year sunset provision.

JASON ZAMKUS

12/01/2007 Prefiled

01/09/2008 S First Read--SB 735-Bartle (S8)

01/10/2008 Second Read and Referred S Ways & Means Committee (S72)

EFFECTIVE: August 28, 2008

\*\*\* SB 736 \*\*\*

3522S.021

SENATE SPONSOR: Bartle

SB 736 - This act requires school boards to adopt policies for the random testing of students participating in interscholastic athletics for the unlawful use of a controlled substance, including but not limited to anabolic steroids. A student who tests positive for the unlawful use of a controlled substance or anabolic steroids shall not be allowed to participate in interscholastic sports or intramural sports for the remainder of the academic year or the next academic year. The Department of Elementary and Secondary Education shall promulgate rules to implement this section.

MICHAEL RUFF

12/01/2007 Prefiled

01/09/2008 S First Read--SB 736-Bartle (S8)

01/10/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S72)

01/15/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee  
01/22/2008 Bill Combined (w/SCS/SBs 747 & 736)

EFFECTIVE: August 28, 2008

\*\*\* SB 737 \*\*\*

3687S.011

SENATE SPONSOR: Bartle

SB 737 - This act regulates sexually oriented businesses.

This act makes it a Class A misdemeanor for a person in a sexually oriented business to knowingly and intentionally appear nude or to depict, simulate, or perform specified sexual activities

This act makes it a Class A misdemeanor for a person to appear knowingly or intentionally in a sexually oriented business in a seminude condition unless the person is an employee at least 10 feet from a customer and on a stage at least two feet from the floor and behind a railing no less than 24 inches in height

This act makes it a Class A misdemeanor for an employee, while semi-nude, to solicit any pay/gratuity from any customer or for any customer to pay an employee while the employee is semi-nude

This act makes it a Class A misdemeanor for an employee of a sexually oriented business while seminude to touch a customer or the clothing of a customer

Under this act, no sexually oriented business may remain open between 10:00 p.m. and 10:00 a.m. on weekdays and Saturdays. They must be closed on Sundays and federal holidays.

SUSAN HENDERSON MOORE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 737-Bartle (S8)

01/10/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S73)

EFFECTIVE: August 28, 2008

\*\*\* SB 738 \*\*\*

3345S.011

SENATE SPONSOR: Nodler

SB 738 - The act directs the Department of Natural Resources to establish and publish a time line for the complete processing of any permit application for a concentrated animal feeding operation (CAFO), if the processing cannot be completed within ninety days of the Department's receipt of the completed application. Publication requirements are described.

Any CAFO, or recycling company that converts animal parts into petroleum, who violates any state air, water, or odor pollution standard at least six times in a 12-month period or 12 times in a 36-month period shall forfeit any CAFO-related permits issued by the Department. CAFOs or recycling companies that violate any air, water, or odor pollution standard more than one time in a 36-month period shall be subject to a surcharge in addition to a civil penalty. The surcharge will be the sum of the civil penalty assessed for the violation plus the sum of any fines assessed during the 36-month period. The funds from the surcharge shall be deposited into funds created and utilized for public education and the enforcement of air and water pollution laws of the state.

The act is similar to SB 534 (2007) and SB 591 (2006).

ERIKA JAQUES

12/01/2007 Prefiled

01/09/2008 S First Read--SB 738-Nodler (S8)

01/10/2008 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S73)

02/05/2008 Hearing Conducted S Agriculture, Conservation, Parks & Natural Resources Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 739 \*\*\*

3134L.011

SENATE SPONSOR: Nodler

SB 739 - This act establishes the Legislative Budget Office within the Committee on Legislative Research. The Office shall be responsible for the preparation of fiscal notes as well as preparing and presenting budgetary projections and budget alternatives to members of the General Assembly. A subcommittee of not less than six members may be formed to oversee the Legislative Budget Office. The Office shall be headed by a director who may employ staff as necessary. The term of office for the director shall be four years.

At least annually, beginning January 1, 2009, the Office shall provide a cash basis financial projection to every member of the General Assembly. Such projection may be similar to the general revenue summary of the executive branch. Any member of the General Assembly may request budgetary projections, including estimating the fiscal effects of the Governor's budget proposals.

The Office assumes the duty of preparing fiscal notes. Currently, the Oversight Division of the Committee on Legislative Research is responsible for preparing fiscal notes. Modifications to the content of the fiscal note are made, as detailed in the act. The fiscal note for a bill is required to be completed upon being reported by a committee with jurisdiction over matters contained in the bill. The act repeals provisions of current law that prohibit members of the General Assembly, lobbyists and other persons of interest from participating in the preparation of fiscal notes as well as provisions that authorized appeals to revise or substitute a fiscal note.

Current law requires the Oversight Division to management audits and program audits. The act repeals provisions regarding management audits and renames program audits as "program evaluations" and modifies the requirements for program evaluations.

The provisions of this act regarding preparation of fiscal notes shall become effective on July 1, 2009.  
JIM ERTLE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 739-Nodler (S8)

01/10/2008 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S73)

EFFECTIVE: Varies

\*\*\* SB 740 \*\*\*

3538S.011

SENATE SPONSOR: Nodler

SB 740 - Under current law, counties that are subject to certain Environmental Protection Agency storm water regulations have authority to: 1) adopt local regulations deemed reasonably necessary to comply with the federal regulations; 2) allow a storm water control utility to administer its local storm water regulations, including the imposition of a user fee; and 3) establish a storm water control utility tax, if approved by voters. This act changes the local entity to which this section applies from "county" to "political subdivision."

ERIKA JAQUES

12/01/2007 Prefiled

01/09/2008 S First Read--SB 740-Nodler (S8)

01/10/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S73)

01/16/2008 Hearing Scheduled But Not Heard S Economic Development, Tourism & Local Government Committee

01/23/2008 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 741 \*\*\*

3354S.011

SENATE SPONSOR: Bray

SB 741 - This act allows small employers to join the Missouri Consolidated Health Care Plan. For purposes of the act, the term small employer means an employer who employed an average of at least one but not more than fifty persons during the preceding calendar year and who employs at least one person on the first day of the plan year. A small employer includes a sole proprietor and a partner of a partnership. The state health care plan shall maintain a separate benefit trust fund account for premium payments and other income received from small employers.

This act is identical to SB 267 (2007), SB 593 (2006), SB 277 (2005) and HB 1412 (1998).

STEPHEN WITTE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 741-Bray and Days (S8)

01/10/2008 Second Read and Referred S Health and Mental Health Committee (S73)

02/05/2008 Hearing Conducted S Health and Mental Health Committee

EFFECTIVE: August 28, 2008

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\*\*\* SB 742 \*\*\*

3179S.011

SENATE SPONSOR: Bray

SB 742 - This act prohibits employers from paying any employee lower wages than those paid to employees of the opposite gender for the same work. Under the act, employees may bring a civil cause of action against employers who engage in such a discriminatory practice. Wage payment differentials based on merit systems, regional economic factors, factors that measure pay due to output, or other bona fide factors other than gender, are not actionable. Varying local market rates are not bona fide factors under the act.

Employers cannot reduce wages to comply with this act or retaliate against employees that seek the legal protections from retaliation provided by this act. If employers retaliate, employees can recover actual and compensatory damages

Remedies for any unlawful gender-based pay practices include: actual and compensatory damages, injunction, and recovery of court costs and attorneys fees.

This act abolishes the six-month statute of limitations for filing an action for employer violations and requires that an action be brought within two years after the violation occurs or the date of reasonable discovery of such a violation.

The Equal Pay Commission is established to study the causes and consequences of wage disparities.

The act imposes certain record-keeping and reporting requirements upon employers to document wage rates.

This act is similar to SB 873 (2004), SB 119 (2005), SB 700 (2006), and SB 336 (2007).

CHRIS HOGERTY

12/01/2007 Prefiled

01/09/2008 S First Read--SB 742-Bray and Days (S8)

01/10/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S73)

EFFECTIVE: August 28, 2008

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\*\*\* SB 743 \*\*\*

3357S.011

SENATE SPONSOR: Bray

SB 743 - This act makes various modifications to Missouri tax law. The act:

(1) Decouples Missouri's income tax from the federal income tax code. The act adopts the IRC as it was written January 1, 2004 (section 143.091);

(2) Reinstates the decoupling from the federal accelerated depreciation and makes it permanent (section 143.121);

(3) Eliminates the timely filing discount for employers who withhold their employees' income tax (sections 143.225 & 143.261);

(4) Modifies the way losses and operating expenses are deducted among parties for various types of property, including intellectual property. Minimum standards are established regarding what connections among various corporate entities constitute related parties and affiliated groups for multi-state corporate income tax purposes. Under this provision, the entire profit of a unitary group will be aggregated and then divided among the members of the group. This allocation will be based upon the relative incomes of the members, without regard to intra-group transfers of these certain targeted operating expenses ("Geoffrey" scenario). The effect of this provision will be to eliminate income classified by the courts as "non-Missouri source income" (Sections 143.431 & 143.434);

(5) Eliminates the filing of single factor apportionment for multi-state income tax calculations (sections

143.431, 143.451, 143.461, & 143.471);

(6) Restricts the current definition of "common carrier" for purposes of qualifying for a state and local sales and use tax exemption (sections 144.010 & 144.030); and

(7) Prohibits retailers from obtaining refunds of sales and use taxes without crediting the original purchasers. In the case of over-collections of less than \$1,000, such over-collections may be refunded without the higher burden of returning the funds to the purchaser. The \$1,000 threshold is an aggregate sum over a five-year period. In the alternative, a retailer, upon submission of an approved plan by the Director of the Department of Revenue, may offer fixed value coupons to customers to satisfy the distribution of the over-collections.

The act has an effective date of 9/1/2008.

This act is similar to Senate Bill 642 (2007), Senate Bill 717 (2006) & Senate Bill 360 (2005).

JASON ZAMKUS

12/01/2007 Prefiled

01/09/2008 S First Read--SB 743-Bray (S8)

01/10/2008 Second Read and Referred S Ways & Means Committee (S73)

EFFECTIVE: September 1, 2008

\*\*\* SB 744 \*\*\*

3075S.011

SENATE SPONSOR: Days

SB 744 - This act amends the law relating to unsecured loans of \$500 or less. Under current law, lenders may renew such loans upon the borrower's request. This act prohibits lenders from renewing such loans.

Under current law, the director of the Division of Finance may issue a cease and desist order when lenders fail to make a good faith effort to comply with laws relating to consumer loans. This act allows the attorney general to do the same. The Attorney General may also file an action in any circuit court to enjoin the practice; impose a civil penalty; or to obtain an order of rescission, restitution, or disgorgement.

Under the act, a lender may only charge interest and fees up to the amount of \$15 for the first \$100 of principal for the first 30 days of the loan, and not more than 3% per month thereafter, which is an annual percentage rate of approximately 36%.

Under current law, the Division of Finance must report to the general assembly, the number of licenses issued under this section every other year. This act requires the division to report every year.

The provisions in this section apply to all lenders, whether or not they are properly licensed.

This act is identical to HB 1171 (2006), SB 975 (2006), and SB 96 (2007).

CHRIS HOGERTY

12/01/2007 Prefiled

01/09/2008 S First Read--SB 744-Days (S8)

01/10/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S73)

EFFECTIVE: August 28, 2008

\*\*\* SB 745 \*\*\*

3069S.011

SENATE SPONSOR: Days

Sb 745 - This act provides that a custodial parent may designate a person to act as a standby guardian of their minor child or incapacitated adult child by a will or by a separate written instrument. If a parent who has designated a standby guardian is or becomes seriously ill, the parent or designated standby guardian may file a petition in probate court seeking appointment of the person as the standby guardian of the minor child or incapacitated adult child. The petition must be filed with a copy of the will or instrument designating the standby guardian, with consent to act as standby guardian by the person so designated. The petition also must contain certain identifying and contact information for the minor or incapacitated adult child, the custodial parent and designated standby guardian, each parent of the minor or incapacitated adult child, the spouse and all living children of the minor or incapacitated adult child, information about any adjudication of incapacity for such child, and the reasons why a standby guardian is sought.

The court shall determine appointment of a standby guardian after considering whether there is a parent other than the custodial parent willing, able and fit to care for the child, the suitability of any person nominated by the child to be his or her standby guardian if the child can communicate such, and the desirability of minimizing stress and disruption for the child and avoiding placement of the child in foster or similar care if the parent is incapacitated or dies.

The act also states that the authority of the person to act as standby guardian shall take effect if the person has previously been appointed by the court as a standby guardian, or, if the person has not yet been appointed, when the consent of the parent is given in a written instrument, an entry of an order adjudicating the parent as incapacitated has been entered, or the custodial parent dies, whichever first occurs. The standby guardian must notify the court within ten days after he or she begins acting as standby guardian, and within sixty days, must petition the court for appointment as a standby guardian or for another qualified person to be guardian for the minor child or incapacitated adult.

Nothing within this act shall be construed to deprive a parent of his or her legal rights or obligations towards a minor or incapacitated adult child, or to supersede such rights.

This act is similar to SB 596 (2006) and identical to SCS/SB 35 (2007).

ALEXA PEARSON

12/01/2007 Prefiled

01/09/2008 S First Read--SB 745-Days (S9)

01/10/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S73)

EFFECTIVE: August 28, 2008

\*\*\* SB 746 \*\*\*

3077S.011

SENATE SPONSOR: Days

SB 746 - This act requires health insurance companies to provide coverage for the treatment of morbid obesity.

This act is similar to SB 97 (2007) and SB 597 (2006).

STEPHEN WITTE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 746-Days (S9)

01/10/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S73)

EFFECTIVE: August 28, 2008

\*\*\* SB 747 \*\*\*

3364S.011

SENATE SPONSOR: Ridgeway

SCS/SBs 747 & 736 - This act relates to substance abuse.

Section 160.545

This act prohibits any person who receives three minor in possession violations from receiving educational cost reimbursement under the "A+ Schools Program".

Section 167.628

This act allows school boards to adopt policies for the random testing of students participating in interscholastic athletics for the unlawful use of a controlled substance, including but not limited to anabolic steroids.

This act requires the Missouri State High School Activities Association (MSHSAA) to conduct random testing of ninth through twelfth graders participating in post-season athletic play or athletic tournaments. MSHSAA must test a statistically significant sampling of the students. MSHSAA will develop a list of substances subject to testing. Testing will be conducted through a urine sample, which will be divided into an A and a B sample as described in the act. If a student tests positive, a licensed physician will ensure that there is no proper medical reason for a positive result. A student may appeal to a panel consisting of two members of the MSHSAA executive staff and a physician.

Any student who tests positive for a controlled substance or anabolic steroid will not be allowed to participate in interscholastic athletics or intramurals. MSHSAA will report a positive test to the local prosecutor.

**Section 311.310**

Under this act, any person, who is found guilty of or pleads guilty to providing alcohol to a minor or who knowingly allows a minor to drink on his or her property or knowingly fails to stop a minor from drinking, may be subject to a claim by the parent or legal guardian of such minor for resulting damages suffered by the minor.

**Sections 311.325 & 577.021**

Any peace officer, who believes that a person less than twenty-one years of age is intoxicated, may request that such person submit to a chemical test. Any person less than twenty-one years of age who refuses, upon the request of the peace officer, to submit to such test to determine his or her blood alcohol content shall be deemed "visibly intoxicated". A minor who is "visibly intoxicated" can be charged with a minor in possession offense.

As of August 28, 2008, the clerks of the courts shall forward a copy of the judgement and date of birth of any person who pleads guilty to or is found guilty of a minor in possession offense. The information shall be forwarded to the Highway Patrol within 20 days of the date of judgement. The Highway Patrol shall enter the information in the Missouri Uniform Laws Enforcement System where it is available to members of the criminal justice system. No record or information shall be made public in violation of the sunshine law.

**Section 577.500**

This act prohibits the suspension of driving privileges for the first minor in possession from being included on the person's driving record. However, internal use of such information by the Department of Revenue for administrative purposes shall be allowed.

**Section 578.255**

This act prohibits any person from possessing or using an alcoholic beverage vaporizer. Such a vaporizer is defined as "any device which, by means of heat, a vibrating element, or any other method, is capable of producing a breathable mixture containing one or more alcoholic beverages to be dispensed for inhalation into the lungs via the nose or mouth or both." Also, no person shall intentionally induce or abuse solvents or ethyl alcohol. A violation of these provisions is a class B misdemeanor.

This act does not apply to substances that are FDA-approved or administered by a medical practitioner.

These provisions shall not be construed to prohibit the legal consumption of intoxicating liquor, including wine and beer, and nonintoxicating beer.

This act is similar to SCS/SBs 555 & 38 (2007).

SUSAN HENDERSON MOORE

12/01/2007 Prefiled  
 01/09/2008 S First Read--SB 747-Ridgeway and Gibbons (S9)  
 01/10/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S73)  
 01/15/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee  
 01/22/2008 SCS Voted Do Pass (w/ SCS/SBs 747 & 736) S Judiciary and Civil & Criminal Jurisprudence Committee (3364S.03C)

EFFECTIVE: August 28, 2008

\*\*\* SB 748 \*\*\*

3499S.011

SENATE SPONSOR: Ridgeway

SB 748 - Under current law, a non-resident income taxpayer must add any amount of property taxes paid to another state back into adjusted gross income. This act would only require non-resident taxpayers to add-back property taxes paid to adjusted gross income, if the property is located in another state, political subdivision of a state or the District of Columbia, which does not allow a similar subtraction from income for property taxes paid to this state.

JASON ZAMKUS

12/01/2007 Prefiled  
 01/09/2008 S First Read--SB 748-Ridgeway (S9)

01/10/2008 Second Read and Referred S Ways &amp; Means Committee (S73)

02/04/2008 Hearing Conducted S Ways &amp; Means Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 749 \*\*\*

3365S.021

SENATE SPONSOR: Ridgeway

SB 749 - This act creates an income tax credit equal to 25% of the cost to purchase and install E-85 conversion kits on motor vehicles. The credit is non-refundable and fully transferable. The program for the tax credit is capped at \$500,000 and expires in five years.

The act creates an income tax deduction for tax year 2009, for a taxpayer's purchase of qualified hybrid vehicles. The deduction will equal the lesser of one thousand five hundred dollars or ten percent of the purchase price of the vehicle. The tax deduction must be taken in the year in which the purchase is made.

The act creates a tax credit for the purchase of E-85 gasoline and biodiesel. The tax credit will be equal to: twenty five cents per gallon of ethanol or five cents per gallon of biodiesel for 2009; twenty cents per gallon of ethanol or three cents per gallon of biodiesel for 2010 and 2011; and fifteen cents per gallon of ethanol or five cents per gallon of biodiesel for 2012 and each subsequent year. The tax credit must be for at least fifty dollars, but may not exceed five hundred dollars per taxpayer per year. The aggregate amount of tax credits which may be redeemed by all taxpayers in any given year shall not exceed five hundred thousand dollars. The tax credit is non-refundable, but may be carried forward three years. The provisions allowing for the tax credit for purchases E-85 gasoline and biodiesel will sunset six years from the effective date of the act unless re-authorized.

The act creates a state and local sales and use tax exemption for purchases of new diesel-powered motor vehicles with a gross vehicle rating not in excess of eight thousand five hundred pounds. The act also creates a state sales tax exemption for fiscal year 2009, for purchases of automobiles designed to operate on eighty-five percent ethanol fuel.

This act is similar to SS/SCS/HCS/HB 1092 (2006), Senate Bill 842 (2006), and Senate Bill 40 (2007).  
JASON ZAMKUS

12/01/2007 Prefiled

01/09/2008 S First Read--SB 749-Ridgeway (S9)

01/10/2008 Second Read and Referred S Ways &amp; Means Committee (S73)

02/04/2008 Hearing Conducted S Ways &amp; Means Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 750 \*\*\*

3296S.011

SENATE SPONSOR: Crowell

SB 750 - Under this act, the Department of Revenue shall not issue any driver's license to illegal aliens nor to persons who cannot prove lawful presence. A driver's license issued to an illegal alien in another state shall not be honored by the state of Missouri and the department of revenue for any purpose. The state of Missouri hereby declares that granting drivers licenses to illegal aliens is repugnant to the public policy of Missouri and therefore Missouri shall not extend full faith and credit to out-of-state drivers licenses issued to illegal aliens.

STEPHEN WITTE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 750-Crowell, et al (S9)

01/10/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S73)

EFFECTIVE: August 28, 2008

\*\*\* SB 751 \*\*\*

3377S.011

SENATE SPONSOR: Crowell

SB 751 - Under federal law, unlawfully present aliens are not eligible for state or local public benefits with certain exceptions. This act reiterates federal law stating that such aliens are ineligible and the exceptions.

Applicants for benefits shall provide proof of citizenship, residency, or lawful presence in order to receive benefits. If applicants cannot provide such proof they can sign an affidavit attesting to their status and shall be eligible to receive temporary benefits until their status can be determined.

If an applicant is an alien, the applicant shall not receive benefits until lawful presence is verified by the federal government.

The language of this act is similar to SB 1250 (2006), and SB 348(2007).

CHRIS HOGERTY

12/01/2007 Prefiled

01/09/2008 S First Read--SB 751-Crowell (S9)

01/10/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S73)

EFFECTIVE: August 28, 2008

\*\*\* SB 752 \*\*\*

3451S.011

SENATE SPONSOR: Crowell

SB 752 - This act defines the term "job order contract" for the purposes of the construction of public buildings as a firm, fixed price, competitively bid, indefinite quantity type contract designed to accomplish small to medium, multi-traded maintenance or repair projects and minor new construction projects.

CHRIS HOGERTY

12/01/2007 Prefiled

01/09/2008 S First Read--SB 752-Crowell (S9)

01/10/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S73)

01/22/2008 Hearing Scheduled But Not Heard S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 753 \*\*\*

3323S.011

SENATE SPONSOR: Mayer

SB 753 - This act designates a portion of State Highway 84 from the Interstate Highway 55 exit to the Caruthersville city limits as the "Corporal Rickey L. Bell Memorial Highway."

STEPHEN J. WITTE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 753-Mayer (S9)

01/10/2008 Second Read and Referred S Transportation Committee (S73)

01/16/2008 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 754 \*\*\*

3690S.011

SENATE SPONSOR: Mayer

SCS/SBs 754 & 794 - This act modifies provisions relating to DNA profiling analysis.

This act requires juveniles adjudicated of offenses which would constitute a felony under Chapter 565, RSMO, or any sexual offense under Chapter 566, RSMo, if committed by an adult, to have a biological sample collected for the purposes of DNA profiling analysis.

Any person required to provide a DNA sample shall be required to provide such sample at a collection site. Currently such site shall be designated by the highway patrol or the department of corrections. This act allows such site to also be designated by the law enforcement agency of the county or the City of St. Louis, where the finding or plea of guilt occurred.

Any knowing refusal or failure to provide a DNA sample is a Class A misdemeanor. Knowingly unauthorized tampering, knowing attempt to tamper with, or other knowingly unauthorized use, knowing attempt to use, or knowing dissemination of DNA samples is a Class A misdemeanor.

This act is similar to SB 553 (2007).  
SUSAN HENDERSON MOORE

12/01/2007 Prefiled  
01/09/2008 S First Read--SB 754-Mayer and Loudon (S9)  
01/10/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S73)  
01/22/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee  
01/22/2008 SCS Voted Do Pass (w/SCS/SBs 754 & 794) S Judiciary and Civil & Criminal Jurisprudence Committee (3690S.04C)

EFFECTIVE: August 28, 2008

\*\*\* SB 755 \*\*\*

3607S.011

SENATE SPONSOR: Mayer

SB 755 - This act provides that in the absence of prior experience working in a long-term care facility, newly hired inspectors or surveyors shall be assigned by the Department of Health and Senior Services to a long-term care facility for at least two days within a seven-day period to observe the facility operation outside of the survey process before the inspector or surveyor begins survey responsibilities. Also, the department shall not assign an individual to survey a long-term care facility in which the surveyor was an employee within the preceding five years.

This act also repeals Section 198.057, RSMo, a doubly enacted statute relating to training and regulations of inspectors and surveyors of long-term care facilities.

ADRIANE CROUSE

12/01/2007 Prefiled  
01/09/2008 S First Read--SB 755-Mayer (S9)  
01/10/2008 Second Read and Referred S Seniors, Families and Public Health Committee (S73)

EFFECTIVE: August 28, 2008

\*\*\* SB 756 \*\*\*

3342S.011

SENATE SPONSOR: Engler

SB 756 - This act changes the name of the Division of Mental Retardation and Developmental Disabilities to the Division of Developmental Disabilities.

This act is similar to SB 621 (2007).  
ADRIANE CROUSE

12/01/2007 Prefiled  
01/09/2008 S First Read--SB 756-Engler and Rupp (S9)  
01/10/2008 Second Read and Referred S Seniors, Families and Public Health Committee (S73)  
02/05/2008 Hearing Conducted S Seniors, Families and Public Health Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 757 \*\*\*

3316S.021

SENATE SPONSOR: Engler

SB 757 - This act provides that beginning January 1, 2010, all circuit, associate circuit, and appellate judgeships in this state shall be nonpartisan offices, and no such judge shall be identified by political party.

Currently, except in jurisdictions that have adopted the provisions of Sections 25(a) to (g) Article V of the Constitution of Missouri, elections for circuit and associate circuit judges are held on the general election date. This act provides that beginning January 1, 2010, elections for such judges shall be held on the primary election date. The names of each judicial candidate shall be included on all ballots in said election, including each political party's primary ballots, but shall be designated as "nonpartisan."

In any primary election at which no judicial candidate receives a majority vote, the two candidates receiving the highest and next highest number of votes shall be certified to a runoff election, which shall be held at the next general election. Such candidates will also be designated as "nonpartisan" on general

election ballots.

The filing period for judicial candidates shall begin at 8:00 a.m. on the last Tuesday in February and shall end at 5:00 p.m. on the last Tuesday in March.

Judicial candidates subject to the provisions of this act shall be nonpartisan and shall not be affiliated, either directly or indirectly, with any political party. Judicial candidates shall not participate in any of the political activities enumerated in this act, or shall be subject to sanction as determined by the Missouri Ethics Commission.

The Missouri Ethics Commission shall have the same powers to receive complaints and investigate alleged violations of the provisions of this act as it does under current law for other allegations of misconduct, and shall have the duty to promulgate rules regarding such violations.

ALEXA PEARSON

12/01/2007 Prefiled

01/09/2008 S First Read--SB 757-Enger (S10)

01/10/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S73)

EFFECTIVE: August 28, 2008

\*\*\* SB 758 \*\*\*

3284S.011

SENATE SPONSOR: Engler

SB 758 - This act prohibits certain sexual offenders who have committed an offense against a child from being present in or loitering within 500 feet of any playground or designated camping area of a state park, unless the offender provides notification of his or her presence in the park to the superintendent or his or her designee. Such notification shall include the intended length of time that such offender intends to be present within the state park. Violation of this provision shall be a Class A misdemeanor.

SUSAN HENDERSON MOORE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 758-Engler (S10)

01/10/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S73)

02/04/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 759 \*\*\*

3573S.011

SENATE SPONSOR: Stouffer

SCS/SB 759 - The act requires that all diesel fuel sold at retail in Missouri on and after April 1, 2010, shall be a biodiesel-blended fuel.

The act allows distributors to purchase unblended gasoline at the terminal for the purpose of making fuel ethanol-blended gasoline in order to comply with the fuel ethanol content requirements in current law, if the distributor can make the fuel ethanol blended gasoline at the same or lower cost of purchasing the blended fuel directly from the terminal.

If the acquisition of biodiesel-blended fuel is more expensive for a distributor than acquisition of conventional diesel fuel, the distributor is not required to acquire biodiesel-blended fuel and neither this nor the sale of conventional diesel fuel at retail will be considered a violation of the act. The purchase of conventional diesel fuel by a distributor for the purpose of making five-percent biodiesel-blended fuel is allowable under the act. Position holders, suppliers, distributors, and retailers shall provide certain sales transaction and price information to the Departments of Agriculture and Revenue upon request. Such sales and price information shall be kept confidential by the departments.

Diesel fuel used by railroads and nuclear power generation facilities are exempt from the act's provisions. The Director of the Department of Agriculture may exempt additional fuel uses from the requirements of the act. Under current law, the Governor may issue an Executive Order to waive any of the current fuel-ethanol requirements for reasons related to air quality. The act removes the air quality criteria, thereby allowing the Governor to issue an Executive Order to waive the current fuel ethanol or the act's biodiesel requirements for any reason.

In promulgating rules for the act, the Department of Agriculture shall, as much as practicable, apply to biodiesel producers the requirements of an "accredited producer" in the BQ-9000 program of the National Biodiesel Accreditation Commission.

Beginning January 1, 2010, fuel terminals in Missouri that sell diesel fuel shall sell biodiesel, conventional diesel fuel, and biodiesel-blended fuel that contains 5% biodiesel by volume, but it shall not be considered a violation for a terminal to sell biodiesel-blended fuel that contains more than 5% biodiesel by volume provided any such sale adheres to notification requirements promulgated by the Department of Agriculture.

Current law allows fuel retailers, wholesalers, distributors, and marketers to purchase fuel ethanol from any terminal, position holder, fuel ethanol producer, wholesaler, or supplier. The act allows these entities to purchase biodiesel in the same manner.

The Department of Agriculture shall develop cold temperature operability standards for biodiesel and shall enforce the standards beginning January 1, 2010.

Anyone who manufactures biodiesel that does not meet the quality standard as promulgated by the Department of Agriculture may be subject to a penalty of up to \$10,000 per violation as well as be subject to a cease and desist order.

This act is similar to HCS/SS#2/SCS/SB 204 (2007).

ERIKA JAQUES

12/01/2007 Prefiled  
 01/09/2008 S First Read--SB 759-Stouffer (S10)  
 01/10/2008 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S73)  
 01/15/2008 Hearing Conducted S Agriculture, Conservation, Parks & Natural Resources Committee  
 01/29/2008 SCS Voted Do Pass S Agriculture, Conservation, Parks & Natural Resources Committee (35735.03C)

EFFECTIVE: August 28, 2008

\*\*\* SB 760 \*\*\*

3493S.011

SENATE SPONSOR: Stouffer

SCS/SB 760 - This act authorizes the State Highways and Transportation Commission to take the necessary steps to implement and administer a state plan to conform with the Unified Carrier Registration Act (UCR Act) of 2005. The federal UCR Act includes provisions to eliminate the Single State Registration System (SSRS) by January 2007 and replace it with the Unified Carrier Registration (UCR) Agreement (sections 390.021 and 390.136). The act also repeals Section 390.071 (pertaining to the issuance of interstate motor carrier permits) and Section 622.095 (relating to the single state registration system). The act provides that Missouri will elect not to apply the UCR Act and its accompanying regulations to motor carriers transporting farm products that operate solely in intrastate commerce.

The provisions of this act are similar to those contained in SB 200 (2007).

STEPHEN WITTE

12/01/2007 Prefiled  
 01/09/2008 S First Read--SB 760-Stouffer (S10)  
 01/10/2008 Second Read and Referred S Transportation Committee (S73)  
 01/16/2008 Hearing Conducted S Transportation Committee  
 01/30/2008 SCS Voted Do Pass S Transportation Committee (3493S.03C)

EFFECTIVE: August 28, 2008

\*\*\* SB 761 \*\*\*

3509S.011

SENATE SPONSOR: Stouffer

SCS/SBs 761 & 774 - This act modifies various provisions relating to transportation.

ANNUAL BID BOND - This act provides that the commission is authorized to accept an annual bid bond for its construction and maintenance projects. The commission shall prescribe the form and content of an annual

bid bond. This portion of the act is similar to HB 596 and SCS/SB 52 (2007)(Section 227.103).

**SCHOOL BUS DRIVERS** - Under this act, the Director of Revenue shall not issue or renew a school bus endorsement to any applicant whose driving record shows that the applicant has been convicted of an intoxication-related traffic offense while operating a school bus. A person convicted of an intoxication-related offense while operating a school bus will have his or her school bus endorsement permanently denied by the court, beginning on the date of the court's order (Section 302.272). The act requires school bus drivers to notify the school district or the driver's employing contractor whenever the driver receives a citation for an intoxicated-related traffic offense. The notice of such citation shall be given prior to the driver resuming operation of a school bus. Failure to notify the school district or the employing contractor of the citation shall constitute a valid reason to discharge such person from the school district's or employing contractor's employ (Section 302.275). The act sets the fine for driving with a revoked license while operating a school bus at \$1,000. The current law does not distinguish the offense by type of vehicle driven and the fine is up to \$1,000 (Section 302.321). These provisions have an effective date of January 1, 2009. This portion of the act is similar to SB 24 (2007) and SB 584 (2006). These provisions were also contained in SS/SCS/SB 239 et al (2007).

**RESTRICTED LICENSE PLATES** - Under this act, any person whose driver's license has been suspended, revoked, or disqualified for a period for a period greater than 60 days shall immediately surrender his or her current license plates to the director of the Department of Revenue for destruction. The person shall be issued a set of restricted license plates that which shall bear a special series of numbers or letters so as to be readily identified by the highway patrol and other law enforcement officers. The restricted license plates shall be displayed on the motor vehicle or motor vehicles registered solely or jointly in the person's name for the period of the suspension, revocation, denial, or disqualification. Under the act, law enforcement officers may stop vehicles bearing the restricted license plates to determine whether the driver of such vehicle has a valid driver's license. Under the act, a registered owner of a motor vehicle who has been issued restricted license plates may not sell the motor vehicle during the period the vehicle is required to display the plates unless the registered owner applies to the Department of Revenue for permission to transfer title to the motor vehicle. If the director is satisfied that the proposed sale is in good faith and for a valid consideration, and that the sale or transfer is not for the purpose of circumventing the provisions of the act, the director may certify its consent to the owner of motor vehicle. Any vehicle acquired by the applicant during the period of restriction shall display the restricted license plates (Section 302.305). The provisions of this section become effective January 1, 2009. This portion of the act is similar to SB 580 (2007). This provision is also contained in SS/SCS/SB 239 et al (2007).

**EXPUNGEMENT OF RECORDS OF CDL HOLDERS** - This act prohibits the expungement of a minor in possession (MIP) charge for holders of commercial driver's licenses or persons operating commercial motor vehicles at the time of the violation (Section 311.326). The act also provides that no records shall be expunged if a person is found guilty with a BAC of .04 and is holding a commercial driver's license at the time of the offense (Section 302.545). This provision is also contained in SS/SCS/SB 239 et al (2007).

**FAILURE TO APPEAR** - This act includes failure to appear by a commercial license holder or operator of a commercial motor vehicle as an commercial driver offense requiring indefinite suspension until compliance (Section 302.700 and 302.755). This provision is also contained in SS/SCS/SB 239 et al (2007).

**CDL MILITARY EXEMPTION** - This act provides that a military member while driving a vehicle for military purposes is exempt from possessing a CDL. Current law provides that the military member must be driving a military vehicle to qualify for the exemption (Section 302.775). This provision was contained in SS/SCS/SB 239 et al (2007).

**FAILURE TO STOP FOR SCHOOL BUSES** - This act increases driver's license suspension periods for motorists who fail to stop for school buses that are loading or unloading children. Under the act, the suspension period for a first violation for failing to yield for a school bus is increased from 90 days to 120 days. A second or subsequent violation of the school bus stop provision will result in a 180 day suspension (increased from 120 days). This portion of the act is identical to SB 377 (2007)(Section 304.070). This provision was also contained in SS/SCS/SB 239 et al (2007).

**COMMERCIAL MOTOR VEHICLE INSPECTIONS** - This act requires the state patrol to establish a program to certify local law enforcement officers with respect to enforcing commercial motor vehicle laws. The certification procedures established by the Highway Patrol shall include training, testing, on-the-job experience, data collection and other prescribed components. The certification procedures shall meet the

requirements established by the Commercial Vehicle Safety Alliance (CVSA). The Highway Patrol is authorized to establish reasonable fees to recover the costs of training and certification. Beginning January 1, 2009, no law enforcement officer may make an arrest, issue a citation or conduct a commercial motor vehicle roadside inspection to determine compliance with the applicable commercial motor vehicle laws unless the law enforcement officer has satisfactorily completed a basic training course developed by CVSA and has been certified by the Highway Patrol (Section 304.232).

Beginning January 1, 2009, only law enforcement officers that have been certified by the Missouri State Highway Patrol under the act, members of the Missouri State Highway Patrol, or commercial vehicle enforcement officers shall have the authority to conduct random roadside examinations or inspections to determine compliance with the commercial motor vehicle weight and size limit laws (Sections 304.170 to 304.230), and only such officers shall have the authority, with or without probable cause to believe that the size or weight is in excess of that permitted by the law, to require the driver, operator, owner, lessee, or bailee, to stop, drive, or otherwise move to a location to determine compliance with the law. A law enforcement officer not certified under the act, however, may stop a vehicle that has a visible external safety defect that could cause immediate harm to the traveling public. In the course of a stop, the law enforcement officer shall identify to the driver the defect that caused the stop.

If the vehicle passes the roadside inspection, the law enforcement officer, state highway patrolman, or other authorized person may issue the operator, driver, owner, lessee, or bailee of such vehicle a Commercial Vehicle Safety Alliance inspection decal to be affixed to the vehicle in a manner prescribed by the superintendent. Once issued, the decal shall be valid for a period not to exceed three consecutive months and shall exempt the vehicle from further inspection during such period. However, nothing shall exempt the operator from subjecting such vehicle to an examination or inspection if the vehicle has a visible external safety defect or the law enforcement officer at hand has probable cause to believe that the size or weight of the vehicle is in excess of that permitted by the law. The act authorizes the superintendent of the Missouri State Highway Patrol to promulgate rules and regulations regarding the size and placement of the sticker and any ancillary issues related to the issuance, display, or use of the decal (Sections 304.230 and 304.232). These provisions can be found in SCS/SB 484 (2007).

**AFFIRMATIVE DEFENSE FOR PROCEEDING THROUGH REDLIGHT WITH A MOTORCYCLE ("DEAD RED")-** This act provides that a person operating a motorcycle who enters or crosses an intersection controlled by a traffic-control signal against a red light shall have an affirmative defense to that charge if the person establishes all of the following conditions:

- (1) The motorcycle has been brought to a complete stop;
- (2) The traffic signal continues to show a red light for an unreasonable time;
- (3) The traffic signal is apparently malfunctioning or, if programmed or engineered to change to a green light only after detecting the approach of a motor vehicle, the signal has apparently failed to detect the arrival of the motorcycle; and
- (4) No motor vehicle or person is approaching on the street or highway to be crossed or entered or is so far away from the intersection that it does not constitute an immediate hazard.

The affirmative defense applies only to a violation for entering or crossing an intersection controlled by a traffic-control signal against a red light and does not provide a defense to any other civil or criminal action (Section 304.281). A similar provision was contained in SB 614 (2007) and SCS/SB 969 (2006). This provision is also contained in SS/SCS/SB 239 et al (2007).

**MOTORCYCLE HEADLAMP MODULATORS** - This act allows a motorcycle headlamp to be wired or equipped to allow either its upper beam or its lower beam, but not both, to modulate from a higher intensity to a lower intensity at a rate of modulation of 200 to 280 cycles per minute. A headlamp modulator installed on a motorcycle with two headlamps shall be wired in a manner to prevent the headlamps from modulating at different rates or not in synchronization with each other. A headlamp modulator installed on a motorcycle shall meet the standards prescribed by federal law (Section 307.100). This provision is also contained in SB 614 (2007). This provision is also contained in SS/SCS/SB 239 et al (2007).

**SCHOOL BUS EXEMPTION FROM CHILD PASSENGER RESTRAINT LAW** - This act provides that the child passenger restraint law shall not apply to school buses transporting children four years of age or older

regardless whether such buses are being used for educational, religious or other purposes. The current exemption only applies to school buses used for educational purposes. This portion of the act contains an emergency clause (Section 307.179). This provision may also be found in SB 445 (2007). This provision was also contained in SS/SCS/SB 239 et al (2007).

**IMPLEMENTATION OF UNIFIED CARRIER REGISTRATION ACT** - This act authorizes the State Highways and Transportation Commission to take the necessary steps to implement and administer a state plan to conform with the Unified Carrier Registration Act (UCR Act) of 2005. The federal UCR Act includes provisions to eliminate the Single State Registration System (SSRS) by January 2007 and replace it with the Unified Carrier Registration (UCR) Agreement (Sections 390.021 and 390.136). The act also repeals Section 390.071 (pertaining to the issuance of interstate motor carrier permits) and Section 622.095 (relating to the single state registration system). These provisions were contained in SB 200 (2007).

**CROSSING SOLID YELLOW CENTER STRIPE** - Under this act, a vehicle shall not be driven to the left of a solid yellow center stripe except when executing a lawful turn or when overtaking a vehicle that is traveling at a speed less than 25 miles per hour, or when avoiding debris in the roadway, and so long as the action does not create a hazard (Section 304.016).

**FALSE STATEMENTS** - This act increases the penalty for making a false unsworn statement or affidavit in the driver's license process from a Class A misdemeanor to a Class D felony (Section 302.230).

**HAZARDOUS MATERIAL INDORSEMENT REVOCATION** - This act requires the state to immediately revoke a hazardous material indorsement upon receipt of an Initial Determination of Threat Assessment and Immediate Revocation from the Transportation Security Administration. The state must revoke or deny a hazardous material indorsement within 15 days of receipt of a final determination (Section 302.735).

**FARMER CDL EXEMPTION** - This act clarifies the CDL exemption for persons driving farm vehicles. In order to qualify for the exemption, the farm vehicle must be controlled by a farmer or family member, be used to transport agricultural products, machinery, or supplies to or from a farm, not be used in the operations of a common or contract carrier, and be used within 150 miles of the farmer's farm (Section 302.775).

**DELINQUENCY FEES** - This act increases the penalties on delinquent outboard motor certificate of title applications from \$10 to \$25 for each 30 days of delinquency (not to exceed \$200)(Section 306.535).

**LIENS ON MOTOR VEHICLES FOR STORAGE OR SERVICES** - This act modifies the law governing liens on motor vehicles for storage and repair fees. Under the act, a lienholder may apply for a title to a motor vehicle if the statutory notice is returned marked "not forwardable" or "addressee unknown." The application for the lien must be accompanied by a copy of the statutory notice given to the owner of the motor vehicle and other lienholders of interest. The act removes the requirement that the Department of Revenue must notify the motor vehicle owner or other lienholder of interest before issuing a lien title. The act adds a provision which allows the motor vehicle owner, trailer owner, vessel owner, etc. to file a petition to challenge whether such chattel was wrongfully taken (Section 430.082).

**SALVAGE VEHICLES** - This act modifies the definition of salvage vehicle by removing the requirement that the damage must have occurred within a six-year window of the vehicle's manufacturer model year (Section 301.010).

**TEMPORARY VESSEL CERTIFICATES ISSUANCE** - This act allows Department of Revenue designees to issue temporary vessel certificates of registration (Section 306.016).

**ISSUANCE OF LICENSE PLATES** - This act requires property-carrying commercial motor vehicles to be issued two license plates (Section 301.130).

**MISSOURI VEHICLE PROTECTION PRODUCT ACT** - This act establishes the Missouri Vehicle Protection Product Act. Under the act, a person would be prohibited from selling or offering for sale a vehicle protection product in Missouri unless the seller, warrantor, and any administrator complies with the provisions of the proposed act. A vehicle protection product warrantor, a seller of a vehicle protection product, or a warranty administrator that complies with the act shall not be subject to any other provisions of the state insurance code. The proposed act would apply to all warranted products sold or offered for sale on or after January 1, 2009. The failure of any person to comply with the Act before its effective date would not be admissible in any court proceeding, administrative proceeding, arbitration, or alternative dispute resolution proceeding and

may not be used to prove that the action of any person or the vehicle protection product was unlawful or otherwise improper. The vehicle product protection provisions have an effective date of January 1, 2009. This act is substantially similar to SB 902 (2008) and SCS/SB 297 (2007) and SB 1058 (2006).

UTILITY VEHICLES - This act defines the term "utility vehicle" as any motorized vehicle manufactured and used exclusively for off-highway purposes which is 63 inches or less in width, has an unladen dry weight of 1,900 pounds or less, travels on four or six wheels, and is used primarily for agricultural, landscaping, lawn care, or maintenance purposes. Under the act, a utility vehicle shall not be operated upon the highways of this state except under certain circumstances delineated in the act. No person shall operate a utility vehicle within any stream or river except by an operator who owns the property or has permission to be on the property on which the waterway flows through or when fording a low-water crossing. A person operating a utility vehicle on a highway shall have a valid operator's or chauffeur's license. The vehicle shall not be operated at a speed of more than 30 miles per hour on a highway. No operator of a utility vehicle shall carry a passenger, except for agricultural purposes, unless the seat of the utility vehicle is designed to carry more than one person. Utility vehicles are exempt from titling and registration. This portion of the act is substantially similar to SB 774 (2008)(Section 304.032).

STEPHEN WITTE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 761-Stouffer (S10)

01/10/2008 Second Read and Referred S Transportation Committee (S73)

01/16/2008 Hearing Conducted S Transportation Committee

01/23/2008 SCS Voted Do Pass (w/SCS/SBs 761 & 774) S Transportation Committee (3509S.03C)

EFFECTIVE: Varies

\*\*\* SB 762 \*\*\*

3104S.011

SENATE SPONSOR: Wilson

SB 762 – This act modifies the definition of "bullying" as used in antibullying policies that must be enacted by school districts. The definition of "bullying" shall include cyberbullying and electronic communications.

This act is similar to SB 646 (2007).

MICHAEL RUFF

12/01/2007 Prefiled

01/09/2008 S First Read--SB 762-Wilson, et al (S10)

01/10/2008 Second Read and Referred S Education Committee (S73)

01/30/2008 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 763 \*\*\*

3286S.011

SENATE SPONSOR: Wilson

SB 763 - This act criminalizes the displaying of a noose for the purpose of intimidating a person or a group of persons. A violation of this provision is a Class A misdemeanor for the first offense and a Class D felony for a second offense.

SUSAN HENDERSON MOORE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 763-Wilson, et al (S10)

01/10/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S73)

EFFECTIVE: August 28, 2008

\*\*\* SB 764 \*\*\*

3495S.011

SENATE SPONSOR: Wilson

SB 764 - This act provides that pursuant to the option granted under the federal Personal Responsibility and Work Opportunity Act of 1996, an individual who has a felony conviction under federal or state law involving possession, use, or distribution of a controlled substance shall be eligible for food stamp benefits if such person, as determined by the department of social services, successfully participates in or has satisfactorily completed a substance abuse treatment program approved by the division of alcohol and drug

abuse or complies with all obligations imposed by the court, divisions of alcohol and drug abuse and the division of probation and parole. The individual must all meet all other factors for foods stamps eligibility.

This act is identical to SB 696 (2007).

ADRIANE CROUSE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 764-Wilson, et al (S10)

01/10/2008 Second Read and Referred S Seniors, Families and Public Health Committee (S73)

02/05/2008 Hearing Conducted S Seniors, Families and Public Health Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 765 \*\*\*

3074S.02I

SENATE SPONSOR: Goodman

SCS/SB 765 - This act repeals the provisions in Section 72.080, RSMo, which allow villages to incorporate in an alternative way rather than requiring a petition by two-thirds of the taxable inhabitants that is approved by the county commission, as is required by Section 80.020, RSMo.

Under the language being repealed, a city, town, or village may incorporate after a number equal to 15% of the registered voters petitions the county commission. The commission must submit the question to the voters for their approval. In order to qualify for incorporation a village need only have the ability to furnish normal municipal services if it has at least 100 inhabitants. The language creating a definition of "village" in Section 72.080, RSMo, is also repealed.

Any village incorporated under the provisions of this section after August 28, 2007 and prior to the effective date shall be deemed disincorporated.

This act contains an emergency clause and a severability clause.

SUSAN HENDERSON MOORE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 765-Goodman, et al (S10)

01/10/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S73)

01/16/2008 Hearing Conducted S Economic Development, Tourism & Local Government Committee

01/23/2008 SCS Voted Do Pass S Economic Development, Tourism & Local Government Committee (3074S.03C)

EFFECTIVE: Emergency

\*\*\* SB 766 \*\*\*

3256S.02I

SENATE SPONSOR: Goodman

SB 766 - A person commits child abuse when knowing that she is pregnant, chronically and severely exposes an unborn child to alcohol or a controlled substance during pregnancy and such child, at birth, is demonstrably adversely affected by such exposure. Child abuse is a Class C felony.

A person commits child endangerment in the second degree when knowing that she is pregnant, chronically and severely exposes an unborn child to a controlled substance during pregnancy. Child endangerment is a Class A misdemeanor.

If a person pleads guilty to or is found guilty of such offenses, the court shall order a juvenile officer to take the child into protective custody immediately or as soon as reasonably possible after the birth of the child if such child is unborn at the time of the plea or finding of guilt.

This act is similar to SB 676 (2007).

SUSAN HENDERSON MOORE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 766-Goodman and Loudon (S10)

01/10/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S73)

01/15/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 767 \*\*\*

3680S.011

SENATE SPONSOR: Goodman

SB 767 - This act modifies provisions relating to the Public Defender System.

## INDIGENT DEFENSE CONTRACT COUNSEL

Under this act, money from the general revenue fund may be appropriated to pay contract counsel. Contract counsel may represent eligible indigent persons who are charged with a misdemeanor, a violation for passing a bad check, or a misdemeanor probation violation that will likely result in confinement in county jail and for which the constitution or law requires the appointment of counsel. Such probation violation must also possibly result in the charging of a separate offense. The money may also be used to represent persons involved in criminal child support enforcement actions and persons who would normally be represented by a public defender, except that the public defender has a conflict of interest in such case.

The general revenue funds appropriate for such purpose shall be administered by the Office of the Missouri State Public Defender, which shall have the authority to: 1) enter into contracts with qualified private counsel, 2) process contract counsel payments and litigation expense reimbursements; and 3) make rules necessary to administer the moneys. Employees of the public defender system may not serve as contract counsel.

## NO REPRESENTATION REQUIRED FOR PROBATION VIOLATIONS

No public defender or contract counsel shall be required to provide legal services to an eligible person for a probation violation unless such violation could result in the charging of a separate offense.

This act is similar to SCS/SB 611 (2007).

SUSAN HENDERSON MOORE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 767-Goodman and Gibbons (S10)

01/10/2008 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S73)

02/11/2008 Hearing Scheduled S Judiciary and Civil &amp; Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 768 \*\*\*

3524S.021

SENATE SPONSOR: Rupp

SB 768 – This act creates the Missouri Commission on Autism Spectrum Disorders to advise and make recommendations to the Governor, General Assembly, and state agencies on matters relating to autism spectrum disorder. The Commission must develop a comprehensive statewide plan for an integrated system of training, treatment, and services for individuals of all ages with ASD. The Commission must issue preliminary recommendations by July 1, 2009. The Commission's membership shall include representatives from the General Assembly, various state agencies, other organizations involved with autism, as well as parents and individuals with ASD.

The Commission's duties include: studying the formation of a comprehensive, coordinated service delivery system; conducting an assessment of the need for certain education and treatment programs; providing recommendations for training programs; and creating a panel to review existing models of evidence-based educational practices.

The Department of Mental Health will provide administrative support to the Commission.

MICHAEL RUFF

12/01/2007 Prefiled

01/09/2008 S First Read--SB 768-Rupp and Gibbons (S11)

01/10/2008 Second Read and Referred S Seniors, Families and Public Health Committee (S73)

01/29/2008 Hearing Conducted S Seniors, Families and Public Health Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 769 \*\*\*

3506S.011

SENATE SPONSOR: Rupp

SB 769 - This act provides that beginning August 28, 2008, there shall be an additional circuit judge position in the 45th circuit. The two judges in this circuit will sit in divisions numbered one and two. The judge who sits in this circuit on August 27, 2008, shall sit in division one until a successor is elected in 2012. The circuit judge in division two shall be elected in 2010.

ALEXA PEARSON

12/01/2007 Prefiled

01/09/2008 S First Read--SB 769-Rupp (S11)

01/10/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S74)

EFFECTIVE: August 28, 2008

\*\*\* SB 770 \*\*\*

3693S.011

SENATE SPONSOR: Rupp

SB 770 – This act creates the Missouri Scholarship for Students with Developmental Disabilities Program. Parents of children with certain developmental disabilities who are dissatisfied with their children's progress in public school may be eligible to receive a scholarship to enroll their children in a participating private school or other public school of choice. To be eligible, the child must be enrolled in public school for the prior year and have obtained admission to a participating private school.

The amount of each scholarship shall be the amount of per pupil state funding distributed to the school district under the foundation formula, or the actual cost of tuition, whichever is less. This act requires the adjustment of "weighted average daily attendance" under the foundation formula so that no school district receives state aid for a student that receives a scholarship and enrolls elsewhere.

This act grants rulemaking authority to the Department of Elementary and Secondary Education to implement this section as described therein.

The provisions of this act shall expire in six years but the scholarship will remain in force until the child returns to his or her original public school, graduates from high school, or turns 22, whichever occurs first.

MICHAEL RUFF

12/01/2007 Prefiled

01/09/2008 S First Read--SB 770-Rupp (S11)

01/10/2008 Second Read and Referred S Education Committee (S74)

01/22/2008 Re-referred S Pensions, Veterans' Affairs and General Laws Committee (S122)

EFFECTIVE: August 28, 2008

\*\*\* SB 771 \*\*\*

3128S.011

SENATE SPONSOR: McKenna

SB 771 - This act creates an income tax credit for taxpayer contributions of cash, stock, bonds, or other marketable securities for the purpose of providing body or vehicle armor to members of the armed forces of the United States, as well as contributions of body armor for members of the armed forces, armor plating for military vehicles, or materials consumed in the process of manufacturing body armor or armor plating for military vehicles.

The tax credit is a dollar for dollar tax credit which is limited to one thousand dollars per taxpayer per year. The total amount of tax credits which may be claimed annually is capped at two million dollars. The tax credit is nontransferable and nonrefundable, but may be carried forward five years until fully claimed.

This act is identical to the introduced version of Senate Bill 583 (2007).

JASON ZAMKUS

12/01/2007 Prefiled

01/09/2008 S First Read--SB 771-McKenna (S11)

01/10/2008 Second Read and Referred S Ways & Means Committee (S74)

EFFECTIVE: August 28, 2008

\*\*\* SB 772 \*\*\*

3127S.011

SENATE SPONSOR: McKenna

SB 772 - This act creates a tax credit for expenses incurred in recycling construction waste. The credit shall be equal to 75% of the expenses incurred for recycling the construction waste. The tax credit is non-refundable and non-transferrable but may be carried forward up to three subsequent tax years. The Department of Natural Resources shall administer the tax credit program and shall maintain a list of all taxpayers eligible for the tax credit. The total amount of tax credits issued in any year shall not exceed \$1,000,000 and the tax credit program shall sunset after 6 years.

This act also directs the Department of Natural Resources to establish and administer a state-funded grant program for construction and demolition waste reduction.

This act is identical to SCS/SB 220 (2007) and similar to HB 707 (2007).

ERIKA JAQUES

12/01/2007 Prefiled

01/09/2008 S First Read--SB 772-McKenna (S11)

01/10/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S74)

EFFECTIVE: August 28, 2008

\*\*\* SB 773 \*\*\*

3378S.011

SENATE SPONSOR: Shoemyer

SB 773 - This act provides that no applicant shall be enrolled in a Medicare Advantage plan until two business days have passed since the initial personal solicitation and the applicant has signed a disclosure form. Personal solicitation includes either an on-site presentation at a facility or a home meeting with an insurance agent. The disclosure shall be signed and dated by both the applicant and the agent on the day of the initial personal solicitation and shall include:

- A statement that Medicare Advantage plans are not Medigap supplement plans;
- A statement advising the applicant to confirm with his or her health care providers whether or not the provider has contracted with the Medicare Advantage plan to provide medical services; and
- A statement advising the applicant to contact either a trusted family member, friend or the state health insurance assistance program, known as CLAIM.

The director of the Department of Insurance, Financial Institutions and Professional Registration shall prescribe the format and content of the disclosure including size, color and prominence of type. Anyone who violates the provisions of this act shall be subject to civil penalties and fines.

ADRIANE CROUSE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 773-Shoemyer and Engler (S11)

01/10/2008 Second Read and Referred S Small Business, Insurance &amp; Industrial Relations Committee (S74)

EFFECTIVE: August 28, 2008

\*\*\* SB 774 \*\*\*

3578S.011

SENATE SPONSOR: Shoemyer

SB 774 - This act defines the term "utility vehicle" as any motorized vehicle manufactured and used exclusively for off-highway purposes which is 63 inches or less in width, has an unladen dry weight of 1,900 pounds or less, travels on four or six wheels, and is used primarily for agricultural, landscaping, lawn care, or maintenance purposes. Under the act, a utility vehicle shall not be operated upon the highways of this state except under certain circumstances delineated in the act. No person shall operate a utility vehicle within any stream or river except by an operator who owns the property or has permission to be on the property on which the waterway flows through or when fording a low-water crossing. A person operating a utility vehicle on a highway shall have a valid operator's or chauffeur's license. The vehicle shall not be operated at a speed of more than 30 miles per hour on a highway. No operator of a utility vehicle shall carry a passenger, except for agricultural purposes, unless the seat of the utility vehicle is designed to carry more than one person. Utility vehicles are exempt from titling and registration. This portion of the act is substantially similar to SS/SCS/SB 239 et al, SB 347 and HB 397 (2007)(Section 304.032).

STEPHEN WITTE

12/01/2007 Prefiled  
01/09/2008 S First Read--SB 774-Shoemyer (S11)  
01/10/2008 Second Read and Referred S Transportation Committee (S74)  
01/16/2008 Hearing Conducted S Transportation Committee  
01/23/2008 Bill Combined w/SCS/SBs 761 & 774

EFFECTIVE: August 28, 2008

\*\*\* SB 775 \*\*\*

3504S.04I

SENATE SPONSOR: Shoemyer

SB 775 - Under this act, an insurer shall inform a vehicle owner immediately on first contact that they have the right to choose the repair facility of their choice to repair their vehicle. The insurer shall halt any efforts to re-direct, refer or otherwise influence the vehicle owner in the choice of repair facility or program other than the repair facility chosen by the vehicle owner once the vehicle owner has stated they have chosen a repair facility.

The act provides that all claims paid by an insurer for motor vehicle damages shall be paid to the claimant by check, electronic transfer of funds or other means that provides the claimant or repair facility immediate access to the funds. Labor rates for motor vehicle damage repairs that are paid by insurers to claimants shall be based on the usual and customary repair rates.

A violation of this act by an insurer shall constitute an unfair trade practice.

Under the act, insurers or appraisers shall not require that repairs be made or not be made at a specific repair shop. Appraisal forms shall inform the claimant that he or she has the right to choose a repair facility to have his or her vehicle repaired.

The act requires damage appraisers to comply with certain conditions when preparing damage estimates on motor vehicles. For example, a damage appraiser must conduct a thorough inspection of the damage vehicle when preparing an estimate. Any person altering or changing a physical damage appraisal must be licensed to conduct business within Missouri.

This act is substantially similar to SB 709 (2007).

STEPHEN J. WITTE

12/01/2007 Prefiled  
01/09/2008 S First Read--SB 775-Shoemyer and Griesheimer (S11)  
01/10/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S74)

EFFECTIVE: August 28, 2008

\*\*\* SB 776 \*\*\*

3120S.01I

SENATE SPONSOR: Justus

SB 776 - This act provides that the Children's Division within the Department of Social Services, shall develop rules to become effective by July 1, 2009, modifying the income eligibility criteria for any person receiving state-funded child care assistance, either through vouchers or direct reimbursement to child care providers.

Persons receiving state-funded child care assistance with family incomes of less than 130 percent of the federal poverty level shall receive child care subsidy benefits, less a sliding scale fee established by the division based on family size and income.

A person receiving state-funded child care assistance and whose income surpasses 130 percent of the federal poverty level may continue to receive reduced subsidy benefits on a scale established by the division until such person's income reaches 160 percent of the federal poverty level. At such time, the person will have assumed the full cost of the maximum base child care subsidy rate established by the children's division and shall no longer be eligible for child care subsidy benefits.

If appropriations in a given fiscal year are insufficient to provide the subsidy established under this act for all eligible recipients, the division shall establish a waiting list and promulgate rules for the prioritization of

eligible recipients on the waiting list. The sliding fee scale may be waived for children with special needs.

This act is similar to SCS/SB 260 and 71 (2007).

ADRIANE CROUSE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 776-Justus and Koster (S11)

01/10/2008 Second Read and Referred S Seniors, Families and Public Health Committee (S74)

02/05/2008 Hearing Conducted S Seniors, Families and Public Health Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 777 \*\*\*

3241S.011

SENATE SPONSOR: Justus

SB 777 - This act creates an income tax credit equal to twenty percent of the earned income credit allowed for federal income taxes under the Internal Revenue Code. The tax credit is refundable. The Director of the Department of Revenue must make efforts to inform taxpayers who may be eligible for the credit every year.

This act is identical to the introduced version of Senate Bill 548 (2007).

JASON ZAMKUS

12/01/2007 Prefiled

01/09/2008 S First Read--SB 777-Justus (S11)

01/10/2008 Second Read and Referred S Ways & Means Committee (S74)

EFFECTIVE: August 28, 2008

\*\*\* SB 778 \*\*\*

3119S.011

SENATE SPONSOR: Justus

SB 778 - This act provides that female students enrolling in sixth grade may receive, at the option of a parent or guardian, an immunization for the human papillomavirus (HPV).

The Department of Health and Senior Services shall directly mail age appropriate information to parents or guardians of female students entering grade 6 regarding the connection between HPV and cervical cancer and the availability of the HPV immunization. Such information shall include the risk factors for developing cervical cancer, the connection between HPV and cervical cancer, how it is transmitted and how transmission can be prevented, the latest scientific information about the immunization's effectiveness, information about the importance of pap smears, and a statement explaining that questions from parents or guardians may be answered by a health care provider.

Each mailing shall request that the parents of female students entering grade 6 voluntarily furnish a written statement, not later than 20 days after the first day of school, stating that they have received the information and that the student has received the immunization or the parents have decided not to have the student immunized. Each school district shall submit a report to the Department of Health and Senior Services within 60 days of enrollment which includes a statement about the number of female students who have and have not been immunized against HPV and the number of non-responses to the written statement.

Nothing in the act shall be construed to prevent school attendance if a parent has opted not to have the student receive the HPV immunization or has not furnished the written statement. Any information derived from the parents or guardian shall be used for statistical purposes only and shall not be used to personally identify any parent, guardian or any student.

This act also requires health insurance companies to provide coverage for HPV immunizations for females between the ages of 11 and 21.

This act is substantially similar to SCS/SB 514(2007).

ADRIANE CROUSE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 778-Justus (S11)

01/10/2008 Second Read and Referred S Seniors, Families and Public Health Committee (S74)

01/29/2008 Hearing Conducted S Seniors, Families and Public Health Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 779 \*\*\*

3624S.011

SENATE SPONSOR: Smith

SB 779 – This act requires the state to provide fully subsidized preschool at licensed child facilities that employ highly qualified teachers for children residing in a school district classified as unaccredited or provisionally accredited by the state board of education. Children are eligible if they are one or two years from entering kindergarten and if they are eligible for a reduced lunch price under federal law. Fifty percent of the funding shall be distributed to community-based programs.

This act is similar to a provision in SB 690 (2007).

MICHAEL RUFF

12/01/2007 Prefiled

01/09/2008 S First Read--SB 779-Smith (S11)

01/10/2008 Second Read and Referred S Education Committee (S74)

EFFECTIVE: August 28, 2008

\*\*\* SB 780 \*\*\*

3217S.011

SENATE SPONSOR: Smith

SB 780 - This act removes references in the sexual education statute allowing information to be provided on the federal abstinence education law. This act also repeals the provisions regarding prohibiting abortion providers from providing sexual education in school and from schools providing abortion services.

ADRIANE CROUSE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 780-Smith (S12)

01/10/2008 Second Read and Referred S Education Committee (S74)

EFFECTIVE: August 28, 2008

\*\*\* SB 781 \*\*\*

3109S.011

SENATE SPONSOR: Smith

SB 781 - This act provides that no landlord, nor his or her successors, assigns, agents or representatives shall be liable for any loss or damages to household goods, furnishings, fixtures, or any other personal property left at or in the dwelling by reason of the landlord's removal or disposal of the property in accordance with municipal ordinances pursuant to a court ordered execution for possession of premises.

This act is similar to SCS/SB 629 (2007).

ALEXA PEARSON

12/01/2007 Prefiled

01/09/2008 S First Read--SB 781-Smith (S12)

01/10/2008 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S74)

01/15/2008 Hearing Conducted S Judiciary and Civil &amp; Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 782 \*\*\*

3126S.011

SENATE SPONSOR: Loudon

SB 782 - This act reinstates the Federal overtime standards in place before the passage of Proposition B (2006) including exemptions for firefighters, commissioned employees, and flex-time rates.

This act contains an emergency clause.

This act is identical to SS/SCS/SBs 255, 249 & 279 (2007).

CHRIS HOGERTY

12/01/2007 Prefiled  
 01/09/2008 S First Read--SB 782-Loudon, et al (S12)  
 01/10/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S74)

EFFECTIVE: August 28, 2008

\*\*\* SB 783 \*\*\*

3684S.011

SENATE SPONSOR: Loudon

SB 783 - This act creates the Interstate Insurance Product Regulation Compact.

The act provides for the promotion and protection of the interests of consumers of individual and group annuity, life insurance, disability income, and long-term care insurance products. The act creates the Interstate Insurance Product Regulation Commission to develop uniform standards for insurance products covered under the Compact, to establish a central clearing house to receive and provide prompt review of insurance products covered under the Compact, to provide appropriate regulatory approval, and to improve coordination of regulatory resources and expertise between state insurance departments. The Interstate Product Regulation Compact establishes a mechanism for developing uniform national product standards for life insurance, annuities, disability income insurance, and long-term care insurance products. It also creates a single point to file products for regulatory review and, if necessary, approval. In the event of approval, an insurer would be able to sell its products in multiple states without separate filings in each state.

The act provides the statutory framework for states to enter into an interstate insurance product regulation compact. The Compact would establish a single point of filing for certain insurance products and rate filings which would be subject to uniform national standards. Those states that are members of the Compact would develop the uniform standards that apply to products filed with the Commission. Product standards would be developed through a rulemaking process which would require the approval of two-thirds of the commission management committee and two-thirds of the commission members. Unless a state opts-out, approval of a product by the Compact would be the same as approval by a member state. The act would, however, allow companies the option to continue to file products in the individual states through the existing form filing processes.

The act also provides that individual states will continue to regulate market activities and allow for coordination among states and the Commission to determine instances of violations of uniform standards subject to the final order of the Commission. If a state disagrees with a product standard developed by the Commission, it may opt-out of the uniform standard either by regulation or legislation. For long-term care insurance, states may opt-out at the time of joining the Compact. In order to opt-out by regulation, a state must show that the uniform standard does not provide reasonable protections to the citizens of the state and that the needs of the state outweigh the legislature's intent to participate in and receive the benefits of the Compact. The Compact would become effective when two states enact compact legislation. The Commission becomes operational if twenty-six states or states representing forty percent of the premium for life, annuities, disability income insurance and long-term care join the Compact. Operations of the Commission would be financed initially through contributions and other sources of funding and over time through the filing fees paid by insurers. All states joining the Compact would be involved in setting up and overseeing the activities of the Compact, including developing product standards and the rules and operating procedures of the Commission. The Commission would make an annual report to the Legislature and Governor of each state joining the Compact. In addition to opting out of particular product standards, each state has the right to withdraw from the Compact, by enacting a statute repealing this act.

This act is identical to SB 304 (2007) and substantially similar to SB 1071 (2006).  
 STEPHEN WITTE

12/01/2007 Prefiled  
 01/09/2008 S First Read--SB 783-Loudon (S12)  
 01/10/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S74)  
 02/05/2008 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 784 \*\*\*

3065S.011

SENATE SPONSOR: Coleman

SB 784 - This act eliminates mandatory minimum sentences for those convicted of a felony, except

dangerous felons. The act states that a felon must serve a sentence imposed by a judge, but the Board of Probation and Parole shall have discretion to review the sentence and release the offender before the completion of the sentence.

Those offenders sentenced under the mandatory minimum sentencing statutes before August 28, 2008, shall have his or her sentence reviewed by the Board. The Board shall have discretion to release such an offender before the end of his or her sentence.

This act is identical to SB 468(2007).

SUSAN HENDERSON MOORE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 784-Coleman (S12)

01/10/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S74)

EFFECTIVE: August 28, 2008

\*\*\* SB 785 \*\*\*

3057S.011

SENATE SPONSOR: Coleman

SB 785 - As of August 28, 2008, the City of St. Louis may establish, by ordinance, a municipal police force. Any such ordinance shall provide for the employment of all current officers and employees at their current salaries in the newly established police force. Such persons shall also be entitled to all accrued benefits, including vacation time, sick leave, and health insurance. The ordinance shall be consistent with any regulation concerning police residency adopted by the Board of Police Commissioners prior to adoption of the ordinance.

After the establishment of a municipal police force, the city may provide by ordinance for the number and ranks of police officers, compensation and benefits of such officers, and appointment, promotion, suspension, demotion, or discharge of police officers, including the police chief.

Immediately upon adopting an ordinance, the city shall file a certified copy with the Secretary of State. The current state statutes concerning the St. Louis police department shall expire upon the effective date of the establishment of a municipal police force by ordinance. The city shall provide notice of the establishment of the ordinance and expiration of such statutes to the Revisor of Statutes.

Any current police pension system for members of the St. Louis police department shall continued to be governed by state statute.

This act is identical to SB 486 (2007).

SUSAN HENDERSON MOORE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 785-Coleman (S12)

01/10/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S74)

01/16/2008 Hearing Cancelled S Economic Development, Tourism & Local Government Committee

01/30/2008 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 786 \*\*\*

3056S.011

SENATE SPONSOR: Coleman

SB 786 - This act creates the RFID Right to Know Act of 2008. The act requires any consumer commodity or package bearing a radio frequency identification (RFID) tag or bar code to be conspicuously labeled as such.

This act is identical to SB 13 (2007) and similar to SB 638 (2006).

ERIKA JAQUES

12/01/2007 Prefiled

01/09/2008 S First Read--SB 786-Coleman (S12)

01/10/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S74)

01/31/2008 Hearing Conducted S Commerce, Energy and the Environment Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 787 \*\*\*

3346S.011

SENATE SPONSOR: Scott

SB 787 - This act prohibits individuals from setting a fire in an area proclaimed by the governor to be in extraordinary danger from fire as a result of emergency drought conditions. Individuals who violate this act are guilty of a Class A misdemeanor.

In a separate cause of action, political subdivisions and volunteer fire protection associations may seek to recover reasonable costs associated with responding to a fire caused by a person in violation of this act.

This act is similar to SB 114 (2007) and SCS/SB 1198 (2006).

ERIKA JAQUES

12/01/2007 Prefiled

01/09/2008 S First Read--SB 787-Scott (S12)

01/10/2008 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S74)

EFFECTIVE: August 28, 2008

\*\*\* SB 788 \*\*\*

3494S.011

SENATE SPONSOR: Scott

SB 788 - This act moves the divisions of finance, credit unions and professional registration, and the State Banking Board, to the Department of Insurance, Financial Institutions and Professional Registration (DIFP) by type III transfer in keeping with Executive Order 06-04. The act further renames the Department of Insurance to the DIFP, and directs the Revisor of Statutes to change all statutory references to the department to DIFP. The act also removes all references of the divisions of finance, credit unions and professional registration as being "within the Department of Economic Development" and instead states that such divisions are within the DIFP. The act moves sections regarding the division of professional registration from Chapter 620 (Department of Economic Development) to Chapter 324 (Occupations and Professions General Provisions), and changes references in those sections to accurately reflect the statutory modifications. The act further defines "department" and "director" at the beginning of each insurance-related chapter. This is similar in nature as SB 164 (2007).

STEPHEN WITTE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 788-Scott (S12)

01/10/2008 Second Read and Referred S Financial &amp; Governmental Organizations and Elections Committee (S74)

01/22/2008 Hearing Conducted S Financial &amp; Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 789 \*\*\*

3234S.011

SENATE SPONSOR: Griesheimer

SB 789 - This act requires insurance companies to provide coverage for computerized prosthetic devices (arms and legs). The mandate shall not apply to certain types of policies such as accident-only, specified disease, long-term care policies or other types of limited benefit health insurance policies. The mandate applies to health insurance policies issued or renewed on or after January 1, 2009. The mandated coverage shall not be subject to greater deductibles or copayments than other types of health care services.

This act is similar to SB 118 (2007), SB 647 (2006), SB 72 (2005) and SB 1362 (2004).

STEPHEN WITTE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 789-Griesheimer (S13)

01/10/2008 Second Read and Referred S Small Business, Insurance &amp; Industrial Relations Committee (S74)

EFFECTIVE: August 28, 2008

\*\*\* SB 790 \*\*\*

3290S.021

SENATE SPONSOR: Champion

SB 790 - This act creates a "Crime Laboratory Review Commission" to independently review the operations of crime laboratories in the state of Missouri that receive state-administered funding.

The commission shall consist of nine members, including a senior manager of an accredited crime lab, an active or retired judge, a prosecuting attorney, a criminal defense attorney, a licensed law enforcement officer in a management position, a crime victims' advocate, the director of the Department of Public Safety or a designee, a higher education faculty member teaching science, and a public member with some expertise in forensic science. The commission members shall be appointed by the Governor with the advice and consent of the Senate. The members shall serve terms of six years and the chairman shall be the director of the department or his or her designee.

The commission shall have the power to assess the capabilities and needs of the crime labs and make recommendations for improvements, authorize independent external investigations into allegations of misconduct or negligence, issue reprimands to crime labs and their employees or contractors found to be negligent or engaging in misconduct, make recommendations for crime lab procedure when labs are found to be negligent, and issue reports summarizing findings of negligence or misconduct and making recommendations regarding revocation or suspension of grant funding.

The commission shall submit an annual report to the department of public safety and to the governor making recommendations to improve the operation of crime labs in the state of Missouri.

The Department of Public Safety shall have the authority to revoke grant money from a crime lab if it does not cooperate with the commission or if allegations of serious negligence or misconduct are substantiated by the commission.

SUSAN HENDERSON MOORE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 790-Champion (S13)

01/10/2008 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S74)

01/22/2008 Hearing Conducted S Judiciary and Civil &amp; Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 791 \*\*\*

3295S.011

SENATE SPONSOR: Champion

SB 791 - Under this act, a certified crime laboratory report shall be received into evidence at any trial for criminal prosecution. The accused or his or her attorney shall be provided a copy of the report as required by Supreme Court Rule and shall have seven days to request a deposition of the person conducting the testing or analysis. The deposition shall be conducted prior to trial, with notice being given to the state, and it may be recorded. If the accused or his or her attorney does not request a deposition with the seven-day period, the accused shall be deemed to have waived the right to conduct such a deposition and the right to confront such person at trial if he or she is otherwise unavailable. This act shall not affect the right of the accused to subpoena the analyst.

SUSAN HENDERSON MOORE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 791-Champion (S13)

01/10/2008 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S74)

01/22/2008 Hearing Conducted S Judiciary and Civil &amp; Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 792 \*\*\*

3380S.011

SENATE SPONSOR: Champion

SB 792 - This act provides that any physician, surgeon, nurse, or emergency medical technician shall be immune from tort liability, other than for gross negligence or willful or wanton behavior, when providing uncompensated care while assisting law enforcement teams or governmental agencies that are engaging in certain planned emergency response, search and rescue, arrest, search and seizure, or training activities.

ALEXA PEARSON

12/01/2007 Prefiled

01/09/2008 S First Read--SB 792-Champion (S13)

01/10/2008 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S74)

EFFECTIVE: August 28, 2008

\*\*\* SB 793 \*\*\*

3129S.011

SENATE SPONSOR: Bartle

SB 793 - This act creates enabling legislation to construct toll roads provided a constitutional measure is passed by the Missouri voters.

TOLL ROADS AUTHORIZATION - This act authorizes the Transportation Commission to construct, maintain and operate toll facilities on the state highway system. The Commission is authorized to issue state toll facility revenue bonds to finance toll facility projects authorized by the General Assembly. Such bonds may be issued without the consent of the General Assembly. Bonds issued for toll facility projects shall not be deemed to constitute a debt or liability of the state and shall be payable solely from the state toll facility fund. Toll facility bonds shall be exempt from taxation. The Commission is required to obtain a study of the proposed toll facility project by one or more qualified independent consultants prior to commencing any project (Section 226.1200).

TOLL FACILITY PROJECTS - Prior to the commencement of any toll facility project, the Director of Transportation shall obtain a study of the proposed toll facility project by a qualified independent consultant. If the Director of Transportation determines, based upon the study, that the toll facility project is in the best interest of the state, the Director of Transportation shall then be required to obtain approval of the toll facility project by the General Assembly (Section 226.1200.3).

SPECIFIC TOLL FACILITY PROJECTS - Under the enabling legislation, the General Assembly authorizes a toll facility projects to be constructed upon Interstate 70 between St. Louis and Kansas City. The commission is authorized to construct these toll facility projects with the design-build project delivery system (section 226.1205). The toll for traveling the entire length of Interstate 70 is capped at \$5 (indexed for inflation).

STATE TOLL FACILITY FUND - The act establishes within the state treasury the "State Toll Facility Fund" which shall stand appropriated without any legislative action (Section 226.205). All tolls, fees, state toll facility revenue bond proceeds, and other charges imposed for using toll facilities shall be credited to the fund. The fund shall be used to pay:

- (1) The costs of issuing state toll facility revenue bonds and refunding bonds, the costs of feasibility studies and the costs for constructing toll facilities;
- (2) The cost of collecting toll facility revenues;
- (3) The principal and interest on any outstanding state toll facility revenue bonds and refunding bonds.

If revenues in the state toll facility fund are insufficient to pay for authorized costs, the commission shall transfer amounts from the state road fund to keep the toll facility fund solvent. Transfers from the state road fund shall be repaid in the time and manner determined by the commission. The commission is authorized to continue to collect tolls and fees on all toll facilities until all costs have been repaid. Any amount in the state toll facility fund in excess of what is needed to pay authorized costs shall be transferred to the state road fund.

COLLECTION AND ENFORCEMENT OF TOLLS - The commission may use any method for imposing and collecting tolls, including toll tickets, barrier toll facilities, billing accounts, commuter passes and electronic recording or identification devices (Section 226.1215). The act further outlines the enforcement mechanisms the Department of Transportation may utilize to ensure that motorists pay for using state toll roads. The Commission may enforce the payment of tolls by using automated enforcement technology, including automatic vehicle license plate identification photography and video surveillance. The use of such automated enforcement technology may be used only for the purpose of recording the image of the nonpaying motorist's license plate. Photo monitoring system evidence which shows that a motorist has failed to pay a toll shall raise a rebuttable presumption that the motor vehicle was used in violation of the law. A collection fee, not to exceed \$100, may be charged to recover the cost of collecting an unpaid toll (Section 226.1230). A motorist

who fails to pay a toll shall be guilty of an infraction punishable by a fine not to exceed \$200 (Section 226.1230.6). The act allows a court to install a device on the nonpaying motor vehicle that prohibits its movement. The nonpaying motorist may also have his or her motor vehicle registration voided until the toll and all fines are paid. The act also outlines what procedures must be taken in order to collect tolls and issue traffic citations.

This act is contingent upon the passage of a constitutional amendment that authorizes the Department of Transportation to construct and operate toll facilities.

This act is similar to SB 26 (2007), SB 652 (2006), SB 31 (2005), SB 855 (2004) and SB 193 (2003).  
STEPHEN WITTE

12/01/2007 Prefiled  
01/09/2008 S First Read--SB 793-Bartle (S13)  
01/10/2008 Second Read and Referred S Transportation Committee (S74)  
01/23/2008 Hearing Conducted S Transportation Committee

EFFECTIVE: Contingent

\*\*\* SB 794 \*\*\*

3130S.011

SENATE SPONSOR: Bartle

SB 794 - The act requires juveniles adjudicated of offenses which would constitute certain felonies or any sexual offense under Chapter 566, RSMo, if committed by an adult, to have a biological sample collected for the purposes of DNA profiling analysis. This act would also require adults who have committed a Class A misdemeanor to have the same sample collected. Currently, only adults who have committed a misdemeanor under Chapter 566, RSMo, are required to provide such a sample.

Any person required to provide a DNA sample shall be required to provide such sample at a collection site. Currently such site shall be designated by the highway patrol or the department of corrections. This act allows such site to also be designated by the law enforcement agency of the county or the City of St. Louis, where the finding or plea of guilt occurred.

Any knowing refusal or failure to provide a DNA sample is a Class A misdemeanor. Knowingly unauthorized tampering, knowing attempt to tamper with, or other knowingly unauthorized use, knowing attempt to use, or knowing dissemination of DNA samples is a Class A misdemeanor.

This act is identical to SB 553 (2007).  
SUSAN HENDERSON MOORE

12/01/2007 Prefiled  
01/09/2008 S First Read--SB 794-Bartle, et al (S13)  
01/10/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S74)  
01/22/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee  
01/22/2008 Bill Combined (w/SCS/SBs 754 & 794)

EFFECTIVE: August 28, 2008

\*\*\* SB 795 \*\*\*

3447S.011

SENATE SPONSOR: Bartle

SB 795 - Currently, a search warrant shall be executed as soon as practicable and shall expire if not executed and the return made within ten days after the date of making the application. Under this act, a search and any subsequent searches of the contents of any property, article, material, or substance seized and removed from the location of the execution of any search warrant during its execution may be conducted at any time during or after the execution of the warrant, subject to the continued existence of probable cause to search. A search and any subsequent searches may be conducted after the time for delivering the warrant, return, and receipt to the issuing judge has expired. A supplemental return and receipt shall be delivered to the judge upon final completion of any search which ends after the expiration of time for delivering the original return and receipt.

SUSAN HENDERSON MOORE

12/01/2007 Prefiled  
01/09/2008 S First Read--SB 795-Bartle (S13)

01/10/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S74)  
 01/28/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee  
 02/04/2008 Bill Combined w/ SCS/SBs 818 & 795

EFFECTIVE: August 28, 2008

\*\*\* SB 796 \*\*\*

3183S.011

SENATE SPONSOR: Bray

SB 796 - This act entitles employees to take unpaid leave from work on the day of an election to serve as an election officer or poll watcher, or to campaign for any candidate or ballot measure.

This act is identical to SB 587 (2007).

CHRIS HOGERTY

12/01/2007 Prefiled  
 01/09/2008 S First Read--SB 796-Bray and Days (S13)  
 01/10/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S74)

EFFECTIVE: August 28, 2008

\*\*\* SB 797 \*\*\*

3178S.011

SENATE SPONSOR: Bray

SB 797 - This act modifies the paperwork requirements for the formation of a new political party and the nomination of independent candidates.

The act repeals the requirement that the petition to form the new party must contain, if presidential electors are to be nominated by petition, the name of at least one qualified resident in each congressional district to be a nominee for presidential elector. Alternatively, this information will be provided when filing the respective declarations of candidacy.

This act is identical to SCS/SB 84 (2005), SB 726 (2006), and SB 138 (2007).

CHRIS HOGERTY

12/01/2007 Prefiled  
 01/09/2008 S First Read--SB 797-Bray (S13)  
 01/10/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S74)

EFFECTIVE: August 28, 2008

\*\*\* SB 798 \*\*\*

3182S.011

SENATE SPONSOR: Bray

SB 798 - Under current law, a person who is convicted of signing any name other than their own on an initiative or referendum petition is guilty of a Class A misdemeanor punishable by imprisonment not to exceed one year or up to a \$10,000 fine, or both.

Under this act, a person who commits such an act is guilty of a felony punishable by imprisonment up to five years or a \$2,500 fine, or both.

This act is identical to SB 1077 (2006), and SB 367 (2007).

CHRIS HOGERTY

12/01/2007 Prefiled  
 01/09/2008 S First Read--SB 798-Bray and Days (S13)  
 01/10/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S74)  
 01/28/2008 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 799 \*\*\*

3072S.011

SENATE SPONSOR: Days

SB 799 - This act requires every school district, in collaboration with the Office of Child Mental Health, to develop a policy of incorporating social and emotional development into the district's educational program. Each district must submit this policy to the Missouri State Board of Education by January 1, 2009.

The Missouri State Board of Education shall develop and implement a plan to incorporate social and emotional development standards for the purpose of enhancing and measuring children's school readiness and ability to achieve academic success in time for the 2009-2010 school year. The plan shall be submitted to the Governor, General Assembly, and the Children's Services Commission by July 1, 2009. Thereafter, the Children's Services Commission shall receive annual reports from the State Board of Education on the implementation and effects of the plan so that the Commission may issue recommendations for improvements to the plan to the General Assembly.

The Department of Social Services shall require the screening and assessment of a child prior to any MO HealthNet-funded admission to an in-patient licensed hospital for psychiatric services. The screening and assessment shall include a determination of the appropriateness and availability of out-patient support services for necessary treatment. The department shall establish methods and standards of payment for the screening, assessment, and necessary alternative support services. The Department of Social Services shall attempt to secure federal financial participation to fund such screening and assessments to the extent allowable under federal law.

This act is similar to SB 191 (2007).

ADRIANE CROUSE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 799-Days (S13)

01/10/2008 Second Read and Referred S Health and Mental Health Committee (S74)

02/05/2008 Hearing Conducted S Health and Mental Health Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 800 \*\*\*

3076S.011

SENATE SPONSOR: Days

SB 800 - This act creates a ten-member commission to study the death penalty in Missouri. It requires the commission to hold public hearings and study all aspects of the death penalty as administered in Missouri, including all cases in which the death penalty was sought. Through the use of random sampling, the commission will review a statistical representation of those cases in which charges of first degree murder, second degree murder, or voluntary manslaughter were filed after January 1, 1977. The review and analysis shall examine data concerning the facts of the offenses, the county where charges were filed, the charges originally filed, the crime for which the person was convicted, the sentence, personal information about the convicted person, evidence of mental retardation, prior criminal history of the defendant, information about the legal defense team, the body of evidence used to obtain a conviction, results of appellate review and post-conviction review, and costs for implementing the sentence.

In considering the experience and training of attorneys, the commission shall consider the experience and training levels required by the Missouri Supreme Court, other courts and legislatures, and recommendations of national associations.

Findings and recommendations of the commission shall be reported to the Governor, the Missouri Supreme Court and the General Assembly by January 1, 2012. The commission shall recommend any proposed modifications to Missouri law necessary to ensure adequacy of trial and appellate legal counsel, accuracy of findings of guilt of the accused, elimination of race disparity in charging and sentencing, fair court procedures and fair and consistent charging and sentence recommendations made by local prosecutors around the state.

The act prohibits executions during the period of review, which shall be from August 28, 2008 to January 1, 2012.

This act is identical to SB 439 (2007) & HB 445 (2007).

SUSAN HENDERSON MOORE

12/01/2007 Prefiled  
 01/09/2008 S First Read--SB 800-Days (S13)  
 01/10/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S74)

EFFECTIVE: August 28, 2008

\*\*\* SB 801 \*\*\*

3318S.011

SENATE SPONSOR: Ridgeway

SB 801 - Currently, the Kansas City board of police commissioners sets the compensation of the force's police officers. This act increases the maximum amount of compensation which the board may pay officers. The maximum amount varies for officers of different ranks.

SUSAN HENDERSON MOORE

12/01/2007 Prefiled  
 01/09/2008 S First Read--SB 801-Ridgeway (S14)  
 01/10/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S75)  
 01/16/2008 Hearing Conducted S Economic Development, Tourism & Local Government Committee  
 01/23/2008 Voted Do Pass S Economic Development, Tourism & Local Government Committee-Consent

EFFECTIVE: August 28, 2008

\*\*\* SB 802 \*\*\*

3609S.011

SENATE SPONSOR: Ridgeway

SB 802 - This act makes it a Class D felony for a person to steal or appropriate, without the consent of the owner, any energized or live wire, electrical transformer, or any other device conducting electricity.

SUSAN HENDERSON MOORE

12/01/2007 Prefiled  
 01/09/2008 S First Read--SB 802-Ridgeway and Gibbons (S14)  
 01/10/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S75)  
 01/15/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 803 \*\*\*

3517S.011

SENATE SPONSOR: Crowell

SB 803 - This act provides that if a person has been injured by an event which later causes death and during his or her lifetime the person brought an action based on the event that resulted in a judgment, or if such person had settled or released any claims related to the event prior to death, then any wrongful death action shall be precluded against any defendant involved in the prior litigation, release, or settlement.

ALEXA PEARSON

12/01/2007 Prefiled  
 01/09/2008 S First Read--SB 803-Crowell (S14)  
 01/10/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S75)

EFFECTIVE: August 28, 2008

\*\*\* SB 804 \*\*\*

3376S.011

SENATE SPONSOR: Crowell

SB 804 - This act allows the State Auditor to audit any school district in the state in the same manner as it may audit any agency of the state.

MICHAEL RUFF

12/01/2007 Prefiled  
 01/09/2008 S First Read--SB 804-Crowell (S14)  
 01/10/2008 Second Read and Referred S Education Committee (S75)  
 01/16/2008 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 805 \*\*\*

3626S.011

SENATE SPONSOR: Mayer

SB 805 - This act modifies the definition of the term "agricultural and horticultural property", for property tax purposes, to include all real property devoted primarily to showing and boarding horses.

JASON ZAMKUS

12/01/2007 Prefiled

01/09/2008 S First Read--SB 805-Mayer (S14)

01/10/2008 Second Read and Referred S Ways &amp; Means Committee (S75)

EFFECTIVE: August 28, 2008

\*\*\* SB 806 \*\*\*

3487S.011

SENATE SPONSOR: Engler

SCS/SB 806 - This act provides that the U.S. and Missouri state flags shall be flown at half-staff for one full day whenever a Missouri resident is killed in the line of duty during military service. The Missouri veterans' commission shall make ongoing reasonable efforts to determine if any residents have been killed in the line of duty, and shall notify the governor of any such death. The governor, who shall determine the day on which the resident shall be honored, shall then notify the office of administration.

This act is similar to HB 557 (2007).

ALEXA PEARSON

12/01/2007 Prefiled

01/09/2008 S First Read--SB 806-Engler (S14)

01/10/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S75)

01/23/2008 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

01/30/2008 SCS Voted Do Pass S Pensions, Veterans' Affairs and General Laws Committee (3487S.05C)

EFFECTIVE: August 28, 2008

\*\*\* SB 807 \*\*\*

3450S.011

SENATE SPONSOR: Engler

SB 807 - Under the act, members of the general assembly, judges, state-wide elected officials, agency heads, department and division directors of state government, members of state boards and commissions, and decision-making public servants shall not accept expenditures from any lobbyist or lobbyist principal. Public officials shall avoid an ethics violation if they reimburse the lobbyist or lobbyist principal within 45 days after the expenditure is reported to the Ethics Commission.

This act is similar to SB 703 (2007).

CHRIS HOGERTY

12/01/2007 Prefiled

01/09/2008 S First Read--SB 807-Engler and Bray (S14)

01/10/2008 Second Read and Referred S Financial &amp; Governmental Organizations and Elections Committee (S75)

EFFECTIVE: August 28, 2008

\*\*\* SB 808 \*\*\*

3379S.011

SENATE SPONSOR: Engler

SB 808 - Under this act, the Department of Revenue is required to develop a procedure with respect to awarding fee office contracts. The Department of Revenue may only award fee office contracts to:

- (1) Municipalities, counties, fire districts, or school districts or coalitions of school districts;
- (2) Charitable organizations and other entities that are exempt from taxation under Section 501(c)(3) or 501(c)(6) of the Internal Revenue Code of 1986, as amended. Such organizations and entities include, but are not limited to, chambers of commerce, veterans' organizations, and local school foundations; or
- (3) Individuals or for-profit entities, provided that such fee office contracts are awarded through a

competitive bidding process.

The fee office contract requirements apply to all contracts awarded on or after August 28, 2008.

STEPHEN WITTE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 808-Engler and Bray (S14)

01/10/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S75)

EFFECTIVE: August 28, 2008

\*\*\* SB 809 \*\*\*

3492S.011

SENATE SPONSOR: Stouffer

SB 809 - This act imposes certain outdoor advertising regulations to off-premise billboards within 660 feet of Interstate 70 and Interstate 44 during the period new construction takes place on such interstates. The regulations applicable to the interstates require spacing between outdoor advertising structures on the same side of the highway to be 500 feet. Stacked structures are allowed provided the total display area of any sign may not exceed 1,200 square feet in any one direction. Sign structures must be located on commercial or industrially zoned property or be within 750 feet of a commercial business. Outdoor advertising structures may not exceed 1,200 square feet of display area in any one direction. The relocation or rebuilding of existing conforming signs to be displaced by highway construction shall be allowed and shall not require a new sign permit provided the relocation is on the same or adjoining property, the sign would remain conforming under the size and spacing requirements provided in this act and a relocation agreement has been executed between the sign owner and the department.

If the department intends to condemn an existing sign in conjunction with highway improvements on I-70 or I-44, the department shall provide written notice of the proposed condemnation to the sign owner and the land owner upon which the existing sign is located. The owner of existing sign structures which conform to the requirements of the act may voluntarily execute a relocation agreement with the commission which specifies the size, type, and new location of the sign to be relocated or rebuilt as well as the amount of relocation costs to be paid by the department in conjunction with the relocation or rebuilding of the billboard. In the event a conforming sign cannot be relocated or the owner declines to do so, the department shall pay the owner of such sign structure just compensation. Relocated or rebuilt signs may be increased in size not to exceed 800 square feet in any one direction and may include new or different materials and lighting may be added to existing conforming signs.

Under the act, the department will impose a temporary moratorium on permits for new signs during the highway construction and while the size, spacing, and location requirements provided in the act are in effect.

Under the act, no local zoning authority may prohibit the relocation or rebuilding, on the same or adjoining premises, of existing signs displaced by I-70 or I-44 construction and which conform to the size and spacing provisions. Local zoning authorities may require a building permit only to assure the rebuilt sign complies with reasonable wind load and electrical safety requirements and may charge a permit fee equal to the cost to review and issue such permit.

Upon the completion of construction on I-70 or I-44, the temporary moratorium on sign permits shall be lifted and new permits shall be issued in accordance with the regulations in effect at that time on other Missouri primary and interstate highways.

STEPHEN WITTE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 809-Stouffer (S14)

01/10/2008 Second Read and Referred S Transportation Committee (S75)

01/30/2008 Hearing Cancelled S Transportation Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 810 \*\*\*

3574S.011

SENATE SPONSOR: Stouffer

SB 810 - The act requires that all diesel fuel sold at retail in Missouri on and after April 1, 2010 shall be a biodiesel-blended fuel.

Under current law, if a distributor is not able to obtain fuel ethanol or fuel ethanol-blended gasoline at the terminal at the same or lower price as unblended gasoline, it is not considered a violation for the distributor and retailer to purchase or sell unblended gasoline. The act removes this exception, which means the retailers must sell fuel ethanol-blended gasoline regardless of its cost in comparison to unblended gasoline.

Diesel fuel used by railroads and nuclear power generation facilities are exempt from the act's provisions. The Director of the Department of Agriculture may exempt additional fuel uses from the requirements of the act. Under current law, the Governor may issue an Executive Order to waive any of the current fuel-ethanol requirements for reasons related to air quality. The act removes the air quality criteria, thereby allowing the Governor to issue an Executive Order to waive the current fuel ethanol or the act's biodiesel requirements for any reason.

In promulgating rules for the act, the Department of Agriculture shall, as much as practicable, apply to biodiesel producers the requirements of an "accredited producer" in the BQ-9000 program of the National Biodiesel Accreditation Commission.

Beginning January 1, 2010, fuel terminals in Missouri that sell diesel fuel shall sell biodiesel, conventional diesel fuel, and biodiesel-blended fuel that contains 5% biodiesel by volume, but it shall not be considered a violation for a terminal to sell biodiesel-blended fuel that contains more than 5% biodiesel by volume provided any such sale adheres to notification requirements promulgated by the Department of Agriculture.

Current law allows fuel retailers, wholesalers, distributors, and marketers to purchase fuel ethanol from any terminal, position holder, fuel ethanol producer, wholesaler, or supplier. The act allows these entities to purchase biodiesel in the same manner.

The Department of Agriculture shall develop cold temperature operability standards for biodiesel and shall enforce the standards beginning January 1, 2010.

Anyone who manufactures biodiesel that does not meet the quality standard as promulgated by the Department of Agriculture may be subject to a penalty of up to \$10,000 per violation as well as be subject to a cease and desist order.

This act is similar to HCS/SS#2/SCS/SB 204 (2007).

ERIKA JAQUES

12/01/2007 Prefiled

01/09/2008 S First Read--SB 810-Stouffer (S14)

01/10/2008 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S75)

EFFECTIVE: August 28, 2008

\*\*\* SB 811 \*\*\*

3508S.011

SENATE SPONSOR: Stouffer

SB 811 - This act creates an income tax credit equal to fifty percent of the amount a taxpayer paid to purchase and install idle reduction technology on a class 8 truck. The maximum amount of the tax credit is \$3,500 per truck. The tax credit is nontransferable and nonrefundable, but may be carried forward up to three years until completely claimed.

The provisions of the act automatically sunset two years after August 28, 2008, unless reauthorized.

STEPHEN WITTE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 811-Stouffer (S14)

01/14/2008 Second Read and Referred S Ways & Means Committee (S81)

EFFECTIVE: August 28, 2008

\*\*\* SB 812 \*\*\*

3066S.011

SENATE SPONSOR: Wilson

SB 812 - This act expands the crime of unlawful use of weapons to include the discharge of a firearm in

the air for celebratory purposes in an urban area.

This act is identical to SB 60 (2007).

SUSAN HENDERSON MOORE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 812-Wilson and Smith (S14)

01/14/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S81)

EFFECTIVE: August 28, 2008

\*\*\* SB 813 \*\*\*

3519S.011

SENATE SPONSOR: Wilson

SB 813 - This act makes ownership, possession or discharge of a stun gun or taser gun an unlawful use of a weapon, which is a Class D felony. However, this prohibition does not apply to peace officers, prison employees, members of the armed forces while on duty, people vested with the judicial power of the state, any person with a duty to execute process, probation officers, corporate security advisors, or coroners or medical examiners.

This act defines a "stun gun" or "taser" as any portable device or weapon from which an electric current, impulse, wave, or beam is produced that is capable of incapacitating temporarily, injuring, or killing a human being.

This act is identical to SB 309 (2005).

SUSAN HENDERSON MOORE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 813-Wilson (S14)

01/14/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S81)

EFFECTIVE: August 28, 2008

\*\*\* SB 814 \*\*\*

3597S.011

SENATE SPONSOR: Wilson

SB 814 - This act modifies the distressed areas land assemblage tax credit program definition of the term "eligible project area", by decreasing the size requirement for the area from seventy-five acres to forty acres. The requirement that eligible parcels acquired by the applicant within the eligible project area total at least fifty acres has been reduced to at least thirty acres.

JASON ZAMKUS

12/01/2007 Prefiled

01/09/2008 S First Read--SB 814-Wilson (S15)

01/14/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S81)

01/30/2008 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 815 \*\*\*

3375S.011

SENATE SPONSOR: Goodman

SB 815 - The act creates the Farm Mentoring and Education Authority, which shall be housed within the University of Missouri Extension Service. The Authority shall administer the Farm Mentoring and Education program, which consists of educational programming aimed at helping individuals plan and begin sustainable farm enterprises. The act provides guiding principles for the provision of the educational programming.

The act creates the Farm Mentoring and Education Fund to be administered by the Authority. The act authorizes the General Assembly to appropriate up to \$99,000 to the fund per fiscal year. The fund shall be utilized for the educational programming and for salaries for a program director and staff. Any balance in the fund at the end of each biennium in excess of 200% of the previous year's expenditures shall be transferred to the general revenue fund.

The Authority shall rotate the administration of the educational programming to a different extension service region each year.

The provisions of the act sunset after 6 years.

This act is similar to SS/SB 417 (2007) and SB 1222 (2006).

ERIKA JAQUES

12/01/2007 Prefiled

01/09/2008 S First Read--SB 815-Goodman (S15)

01/14/2008 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S81)

EFFECTIVE: August 28, 2008

\*\*\* SB 816 \*\*\*

3175S.021

SENATE SPONSOR: Goodman

SB 816 - This act allows Taney County and any city, town, or village within such county to form a Theater, Cultural Arts, and Entertainment District.

SUSAN HENDERSON MOORE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 816-Goodman (S15)

01/14/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S81)

EFFECTIVE: August 28, 2008

\*\*\* SB 817 \*\*\*

3320S.011

SENATE SPONSOR: Goodman

SB 817 - This act provides that no licensed health care professional shall charge, bill, or solicit payment for anatomic pathology services, unless the services are rendered personally by the health care professional or under the health care professional's direct supervision. No patient, insurer, third-party payor, hospital, public health clinic, or nonprofit health clinic shall be required to reimburse any licensed health care professional for charges or claims submitted in violation of this act. The provisions of this act shall not be construed to mandate the assignment of benefits for anatomic pathology services. Nothing will prohibit the billing of a referring laboratory for services when samples must be sent to another specialist nor will a referring physician be prohibited from sending a patient's specimen to any laboratory providing anatomic pathology services.

A clinical laboratory or physician, located in Missouri or in another state, providing anatomic pathology services for patients in this state shall present a bill for services only to the patient directly and other certain prescribed entities. The licenses of health care professionals violating the provisions of this act may be subject to disciplinary action.

This act is identical to SB 467 (2007).

ADRIANE CROUSE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 817-Goodman (S15)

01/14/2008 Second Read and Referred S Health and Mental Health Committee (S81)

02/05/2008 Hearing Conducted S Health and Mental Health Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 818 \*\*\*

3614S.011

SENATE SPONSOR: Rupp

SCS/SBs 818 & 795 - This act modifies provisions relating to crimes of harassment and search warrants.

Section 160.261

This section requires school boards to have a written policy requiring school administrators to report

crimes of harassment and stalking committed on school property to law enforcement committed.

#### Section 542.276

Currently, a search warrant shall be executed as soon as practicable and shall expire if not executed and the return made within ten days after the date of making the application. Under this act, a search and any subsequent searches of the contents of any property, article, material, or substance seized and removed from the location of the execution of any search warrant during its execution may be conducted at any time during or after the execution of the warrant, subject to the continued existence of probable cause to search. A search and any subsequent searches may be conducted after the time for delivering the warrant, return, and receipt to the issuing judge has expired. A supplemental return and receipt shall be delivered to the judge upon final completion of any search which ends after the expiration of time for delivering the original return and receipt.

#### SECTION 565.090

Currently, the crime of harassment includes communications meant to frighten or disturb another person. Under this section, communications conducted to knowingly frighten, intimidate, or cause emotional distress to another person are included. Harassment includes communications by any means. The crime also includes using unwanted expressions that put the person in reasonable apprehension of offensive physical contact or harm and knowingly making unwanted communications with a person. A person also commits such crime by knowingly and without good cause engaging in any other act that frightens, intimidates, disturbs or causes emotional distress to another person.

A person also commits harassment by knowingly communicating with another person who is, or who purports to be, seventeen years of age or younger and in so doing and without good cause knowingly makes a misrepresentation or conceals a material fact relating to the identity, age, residence, or location of himself or herself.

Currently, harassment is a class A misdemeanor. Under this section, it is a Class A misdemeanor unless 1) committed by a person twenty-one years of age or older against a person seventeen years of age or younger, 2) the person commits certain acts with the purpose of frightening, intimidating, or causing emotional disturbance or distress to the other person, or 3) the person has previously committed the crime of harassment. In such cases, harassment is a class D felony.

This section shall not apply to activities of law enforcement officers conducting investigations.

#### SECTION 565.225

This section expands the crime of stalking to include any course of conduct with two or more acts over a period of time that is communicated by any means. A "credible threat" includes those made with the intent to cause the person who is the target to reasonably fear for his or her family's safety or family pet's safety, and not only his or her own safety. Under this section, the definition of "harasses" is modified to include conduct directed at a specific person that serves no legitimate purpose, that would cause a reasonable person to be frightened or intimidated, as well as emotionally disturbed or distressed.

A person must only purposely harass a person, rather than purposely and repeatedly harass, to commit the crime of stalking or aggravated stalking.

Currently, a person commits the crime of aggravated stalking by purposely and repeatedly harassing another person and making a credible threat with the intent to place that person in reasonable fear of death or serious physical injury. Under this section, a person commits such crime by purposely harassing another person and 1) making a credible threat; 2) at least one of the actions constituting the offense is a violation of an order of protection about which the person received notice; 3) at least one action constituting the offense is a probation, parole, or release of bond violation; 4) the other person is seventeen years of age or younger and the person harassing such person is twenty-one years or older; or 5) he or she has previously pleaded guilty to or been found guilty of domestic assault, violation of a protection order, or any other crime where the other person was the victim.

Currently, stalking is a class A misdemeanor for a first offense and a Class D felony for a second offense committed within five years of the first offense. Under this section, stalking is a Class A misdemeanor unless the person has previously committed a stalking offense, in which case, it is a Class D felony.

Currently, aggravated stalking is a Class D felony for a first offense and a Class C felony for a second

offense committed within five years of the first offense. Under this section, aggravated stalking is Class C felony unless the person has previously committed a stalking offense, in which case, it is a Class B felony.

This section shall not apply to activities of law enforcement officers conducting investigations.

SUSAN HENDERSON MOORE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 818-Rupp, et al (S15)

01/14/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S81)

01/28/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

02/04/2008 SCS Voted Do Pass w/ SB 795 S Judiciary and Civil & Criminal Jurisprudence Committee  
(3614S.03C)

EFFECTIVE: August 28, 2008

\*\*\* SB 819 \*\*\*

3103S.05I

SENATE SPONSOR: Rupp

SB 819 - This act modifies various provisions relating to dog fighting.

#### SECTION 513.605

This act adds dog fighting to the list of offenses which are subject to the Criminal Activity Forfeiture Act.

#### SECTION 578.025

This act increases the penalty for being a spectator at a dog fighting event from a Class A misdemeanor to a Class D felony for a second or subsequent offense.

#### SECTION 578.026

Any authorized public health official or law enforcement officer may seek a warrant to allow him or her to enter private property to inspect, care for, or impound dogs that are the subject of a dogfighting violation.

Any law enforcement officer, who has probable cause to believe a violation of the dog fighting provisions has occurred and who has the authority to make a lawful seizure, shall take possession of the dogs and other property used in the violation.

The officer or official taking possession of the dog or property shall file with the court an affidavit verifying certain information relating to the violation and stating that he or she has reason to believe a violation has or was about to occur.

A person performing a lawful seizure because of a dog fighting violation, whether acting under the authority of a warrant or not, shall be given a disposition hearing within 30 days of the filing of the request in order to grant immediate disposition of the impounded dog. The person seizing the dog shall place it in the care of a veterinarian, animal shelter, or animal control authority. If such people are not available, the dog shall not be impounded unless diseased or disabled. The dog shall be humanely killed if a veterinarian determines the dog is diseased or disabled beyond recovery. No person who lawfully seizes a dog shall be liable for necessary property damage.

Owners of an impounded dog may prevent disposition of the dog by posting bond in an amount sufficient to cover the dog's care for 30 days. The authority with custody may dispose of the dog at the end of such time unless there is a court order prohibiting it. The court order shall provide for a bond or other security in an amount to cover the cost of care, keeping, or disposal of the dog.

The owner of a dog humanely killed under this act shall not be entitled to recover damages for the value of the dog if it was found by a veterinarian to be diseased or disabled or if the owner failed to post bond for its care and disposition after being notified of the impoundment.

#### SECTION 578.030

This act repeals provisions requiring dogs that are subject to a dog fighting violation be kept until a conviction or final discharge occurs with the case.

SUSAN HENDERSON MOORE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 819-Rupp and Graham (S15)

01/14/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S81)

EFFECTIVE: August 28, 2008

\*\*\* SB 820 \*\*\*

3496S.021

SENATE SPONSOR: Rupp

SB 820 - This act allows a county, after meeting the required assessed valuation, to become a second class county upon a vote of the governing body to change classifications. Currently, a county can only change classifications by a vote of the governing body if it is becoming a first class county; otherwise, the county must be at the required assessed valuation for five years before changing classifications. The effective date of the change in classification shall be at the beginning of the county fiscal year following the election by the governing body.

SUSAN HENDERSON MOORE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 820-Rupp (S15)

01/14/2008 Second Read and Referred S Economic Development, Tourism &amp; Local Government Committee (S81)

01/23/2008 Hearing Conducted S Economic Development, Tourism &amp; Local Government Committee

01/30/2008 Voted Do Pass S Economic Development, Tourism &amp; Local Government Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 821 \*\*\*

3440S.011

SENATE SPONSOR: Shoemyer

SB 821 - This act modifies the membership of the MO HealthNet Oversight Committee by adding a representative from a rural health clinic as well as specifying that as to the two different categories of physicians represented on the committee, there shall be a doctor of osteopathy represented in each category.

ADRIANE CROUSE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 821-Shoemyer (S15)

01/14/2008 Second Read and Referred S Health and Mental Health Committee (S81)

01/29/2008 Hearing Conducted S Health and Mental Health Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 822 \*\*\*

3239S.021

SENATE SPONSOR: Shoemyer

SB 822 - This act allows the governing body of a city, town, village or county to submit a proposal to the voters of such city, town village or county allowing the municipality to impose a property tax to fund cemetery maintenance. The tax authorized under this act shall not exceed one fourth of one cent per one hundred dollars assessed valuation and shall not become effective until approved by the voters of the city, town village or county.

JASON ZAMKUS

12/01/2007 Prefiled

01/09/2008 S First Read--SB 822-Shoemyer (S15)

01/14/2008 Second Read and Referred S Economic Development, Tourism &amp; Local Government Committee (S81)

01/30/2008 Hearing Conducted S Economic Development, Tourism &amp; Local Government Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 823 \*\*\*

3242S.011

SENATE SPONSOR: Shoemyer

SB 823 - This act exempts sales of radios, designed for the primary purpose of receiving transmissions of weather forecasts and warnings provided by the National Oceanic and Atmospheric Administration, from state and local sales and use tax.

JASON ZAMKUS

12/01/2007 Prefiled

01/09/2008 S First Read--SB 823-Shoemyer (S15)

01/14/2008 Second Read and Referred S Ways &amp; Means Committee (S81)

EFFECTIVE: August 28, 2008

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**\*\*\* SB 824 \*\*\***

3668S.011

SENATE SPONSOR: Justus

SB 824 - This act prohibits discrimination based upon a person's sexual orientation. Such discrimination includes unlawful housing practices, denial of loans or other financial assistance, denial of membership into an organization relating to the selling or renting of dwellings, unlawful employment practices, and denial of the right to use public accommodations.

This act defines "sexual orientation" as male or female heterosexuality, homosexuality, or bisexuality by inclination, practice, identity or expression, or having a self-image or identity not traditionally associated with one's biological gender.

The act also specifies that discrimination includes cases where unfair treatment results from the guilty party's mere assumptions about the victim's characteristics of race, religion, etc., whether or not such assumptions are true or false.

This act is identical to SB 266 (2007).

SUSAN HENDERSON MOORE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 824-Justus (S15)

01/14/2008 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S81)

EFFECTIVE: August 28, 2008

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**\*\*\* SB 825 \*\*\***

3118S.011

SENATE SPONSOR: Justus

SB 825 - The act increases the fee collected by each recorder of deeds to be deposited from \$3 to \$10. Nine dollars of the ten dollar fee shall be deposited into the Missouri Housing Trust Fund. The remaining one dollar of the ten dollar fee shall be forwarded by the recorder to the county treasurer to be deposited into the county treasury for use by the recorder's office.

This act is similar to SB 344 (2007).

SUSAN HENDERSON MOORE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 825-Justus (S15)

01/14/2008 Second Read and Referred S Ways &amp; Means Committee (S81)

EFFECTIVE: August 28, 2008

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**\*\*\* SB 826 \*\*\***

3381S.011

SENATE SPONSOR: Justus

SB 826 - Currently, a liquor license cannot be denied, suspended, or revoked solely based on the fact that an employee of a licensee has been convicted of an offense unrelated to the manufacture or sale of liquor as long as the employee is not directly participating in retail sales of such liquor. This act would prohibit a liquor license from being denied, suspended, or revoked because of such employee's conviction regardless of whether he or she were involved in retail sales. The act specifies that the rules promulgated by the Division of Alcohol and Tobacco Control may include provisions regarding offenders and the type of employment in licensed establishments in which different offenders may engage.

SUSAN HENDERSON MOORE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 826-Justus (S16)

01/14/2008 Second Read and Referred S Economic Development, Tourism &amp; Local Government Committee (S81)

01/23/2008 Hearing Conducted S Economic Development, Tourism &amp; Local Government Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 827 \*\*\*

3389S.021

SENATE SPONSOR: Smith

SB 827 – This act allows a metropolitan school district to offer an increased starting salary for teachers of math, science, special education, and English as a second language in order to attract and retain qualified teachers. The amount of the salary increase shall be between \$3,000 and \$5,000, as determined by the school district. This act creates the Metropolitan School District Improvement Fund in the state treasury.

This act is similar to a provision contained in SB 690 (2007).

MICHAEL RUFF

12/01/2007 Prefiled

01/09/2008 S First Read--SB 827-Smith (S16)

01/14/2008 Second Read and Referred S Education Committee (S81)

EFFECTIVE: August 28, 2008

\*\*\* SB 828 \*\*\*

3622S.011

SENATE SPONSOR: Smith

SB 828 – Current law provides that a public school district in any city not within a county shall determine whether a school uniform is appropriate at any school in the district. This act requires any school district classified as "unaccredited" or "provisionally accredited" by the state board of education to adopt a dress code policy requiring students to wear uniforms. Schools that meet certain criteria are not required to adopt a dress code policy but may do so if they choose.

This act is similar to a provision contained in SB 690 (2007).

MICHAEL RUFF

12/01/2007 Prefiled

01/09/2008 S First Read--SB 828-Smith (S16)

01/14/2008 Second Read and Referred S Education Committee (S81)

EFFECTIVE: August 28, 2008

\*\*\* SB 829 \*\*\*

3623S.011

SENATE SPONSOR: Smith

SB 829 – This act requires a metropolitan school district to maintain a ratio of eighteen students per one teacher for grades kindergarten through three, subject to appropriations.

MICHAEL RUFF

12/01/2007 Prefiled

01/09/2008 S First Read--SB 829-Smith (S16)

01/14/2008 Second Read and Referred S Education Committee (S81)

EFFECTIVE: August 28, 2008

\*\*\* SB 830 \*\*\*

3061S.011

SENATE SPONSOR: Coleman

SCS/SB 830 - This act shall be known as the "Missouri Returning Heroes' Education Act." The act provides that all institutions of higher education that receive any state funds shall limit the tuition charged to combat veterans to fifty dollars per credit hour, for any program leading to a certificate, or an associate or baccalaureate degree. A "combat veteran" is any person who served in armed combat after September 11, 2001, who was a Missouri resident when first entering the military, and who was discharged from military service under honorable conditions.

An eligible combat veteran shall receive the tuition limitation as long as the veteran achieves and maintains a cumulative grade point average of at least two and one-half points on a four point scale, or its equivalent. The eligibility period for the tuition limitation shall expire ten years from the date of the veteran's

last discharge from service.

The Coordinating Board for Higher Education shall ensure that the institutions comply with the provisions of this act, and the board may promulgate any rules for the efficient implementation of the act. Any other financial assistance for which the veteran is eligible must be reported to the board, and no combat veteran shall receive more than the actual cost of attendance when the limitation is combined with any other financial assistance made available to such veteran.

This act is similar to SB 1029 (2006) and SCS/SB 75 (2007).

ALEXA PEARSON

12/01/2007 Prefiled

01/09/2008 S First Read--SB 830-Coleman (S16)

01/14/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S81)

01/23/2008 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

01/30/2008 SCS Voted Do Pass S Pensions, Veterans' Affairs and General Laws Committee (3061S.02C)

EFFECTIVE: August 28, 2008

\*\*\* SB 831 \*\*\*

3445S.011

SENATE SPONSOR: Coleman

SB 831 – This act modifies certain calculations used in determining aid to school districts under the elementary and secondary school funding formula. Current law provides that current operating expenditures shall include, in part, any increases in state funding subsequent to fiscal year 2005, not to exceed 5%, per recalculation, of state revenue, received by a district in the 2004-2005 school year. This act removes the 5% limit on increases in state funding per recalculation.

This act defines "Gifted Education Pupil Count," as the number of students who qualify as "gifted" under Section 162.675 and who are enrolled in a school district's gifted education program on the last Wednesday in January for the preceding school year.

This act modifies the definition of "weighted average daily attendance." Currently, the definition is computed, in part, by adding the average daily attendance plus the product of .25 multiplied by the free and reduced lunch pupil count that exceeds the free and reduced lunch threshold. This act changes the multiplier from .25 to 1.5 and also adds the product of .20 multiplied by the number of the district's gifted education pupil count to the previous calculation.

This act contains provisions similar to SB 625 (2007).

MICHAEL RUFF

12/01/2007 Prefiled

01/09/2008 S First Read--SB 831-Coleman (S16)

01/14/2008 Second Read and Referred S Education Committee (S81)

EFFECTIVE: August 28, 2008

\*\*\* SB 832 \*\*\*

3516S.011

SENATE SPONSOR: Coleman

SB 832 – This act establishes procedures by which school districts, boards of education, or consortiums of school districts can create teacher resource centers to provide professional support services to teachers. The Commissioner of Education shall provide funds for the establishment of teacher resource centers within available appropriations and as described below. This act describes procedures for applications to create a teacher resource center, review by DESE for approval/disapproval, and procedures for operation.

Currently, in order to be eligible for state aid, a school district must allocate one percent of the moneys it receives from the state for a professional development committee in the district. Currently, \$18 million is distributed by the commissioner of education to address statewide areas of critical need for learning and development. This act provides that such money can be distributed to teacher resource centers. Beginning in fiscal year 2009, no less than \$2 million shall be distributed by the state board of education and the Commissioner of Education to the various teacher resource centers. Currently, such money is distributed to the "Success Leads to Success" grant program.

This act creates the Teacher Resource Center Fund. Money in the act shall be used only for teacher resource centers.

MICHAEL RUFF

12/01/2007 Prefiled

01/09/2008 S First Read--SB 832-Coleman (S16)

01/14/2008 Second Read and Referred S Education Committee (S81)

EFFECTIVE: August 28, 2008

\*\*\* SB 833 \*\*\*

3521S.011

SENATE SPONSOR: Bartle

SB 833 – This act allows school boards to adopt policies that would provide additional stipends to math and science teachers. School boards may determine the amount of a stipend. This act also changes teacher licensing requirements and would allow teacher certification for individuals who have earned a bachelor's degree in math or science.

MICHAEL RUFF

12/01/2007 Prefiled

01/09/2008 S First Read--SB 833-Bartle (S16)

01/14/2008 Second Read and Referred S Education Committee (S81)

01/30/2008 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 834 \*\*\*

3382S.011

SENATE SPONSOR: Bartle

SB 834 - Under this act, a person has an absolute defense against civil liability or criminal prosecution for killing or injuring a dog, if such person's actions were based on the reasonable belief that he or she, or another person, was in imminent danger of being harmed by the dog. It is prima facie evidence that a person considered himself to be in "imminent danger" from a dog if such dog had at least twice previously trespassed onto the person's property, and if the person had notified the county sheriff or local animal control authority on the occasion of each prior trespass. A court shall award all reasonable costs to the defendant in any such suit if evidence shows the defendant is entitled to the absolute defense as described.

The owner of a dog who bites a person while in a public or lawful private place shall be strictly liable for damages to the bitten individual. Owners of such dogs shall also be strictly liable for any damage incurred to property or livestock by their dogs. If a dog owner is found liable by a court for such damages, the owner shall also be assessed a civil fine up to \$1,000.

When a dog that has previously bitten a person or domestic animal without provocation, subsequently bites a person or domestic animal again, the owner shall be guilty of a Class B misdemeanor. However, if the offense results in severe injury it shall be a Class A misdemeanor or if it results in death it shall be a class C felony. Any such dog, or a dog that inflicts severe injury or death on the first biting occasion, shall be seized by the animal control authority or county sheriff who shall notify the dog's owner in writing. The dog shall be impounded for ten business days after notice has been provided to the owner, after which time the dog shall be destroyed. Appeal procedures are provided in the act.

The act's provisions do not apply to dogs who bite a person while such person is engaged in criminal activity at the time of attack. Certain instances of trespassing are not considered "criminal activity" under the act. Dogs owned or utilized by a law enforcement agency who bite in the course of their employ are exempt from the provisions of the act.

ERIKA JAQUES

12/01/2007 Prefiled

01/09/2008 S First Read--SB 834-Bartle (S16)

01/14/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S81)

EFFECTIVE: August 28, 2008

\*\*\* SB 835 \*\*\*

3181S.011

SENATE SPONSOR: Bray

SB 835 - This act repeals the death penalty and makes the crime of first degree murder punishable by life imprisonment without probation or parole.

This act is identical to SB 354 (2007).  
SUSAN HENDERSON MOORE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 835-Bray and Days (S16)

01/14/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S82)

EFFECTIVE: August 28, 2008

\*\*\* SB 836 \*\*\*

3180S.011

SENATE SPONSOR: Bray

SB 836 - This act makes criminally negligent storage of a firearm a Class A misdemeanor.

A person commits the crime of criminally negligent storage of a firearm if the person stores or keeps any loaded or unloaded firearm with ammunition under his or her control and knows or reasonably should know a minor is capable of gaining access to the firearm and the minor uses the firearm to threaten or cause the death of or injury to any person.

A person does not commit this crime if: (1) the firearm is stored in a locked box; (2) the firearm has a locking mechanism; (3) the firearm is stored in a dismantled state and at least one part which is essential to the operation of the firearm is stored in a locked box; or (4) the ammunition is stored away from an unloaded firearm in a locked box. A minor who uses a weapon in self-defense or is being supervised while engaged in hunting or another lawful purpose does not fall under this law. A person does not commit this crime if the minor obtained possession of the firearm due to unlawful entry onto the premises.

This act requires firearm dealers to post a written warning about the provision of this section in a conspicuous place where firearms are sold.

This act is identical to SB 144 (2007).  
SUSAN HENDERSON MOORE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 836-Bray (S16)

01/14/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S82)

EFFECTIVE: August 28, 2008

\*\*\* SB 837 \*\*\*

3176S.011

SENATE SPONSOR: Bray

SB 837 - This act revises provisions concerning the employment of public employees and appointed officials, and creates the Public Employee Due Process Act.

This act prohibits public employees from appealing a dismissal or demotion if an employee has a right to appeal under the State Personnel Law (Merit System) or if the employee is in a policy making position without a right to appeal.

Public bodies must serve written notice upon employees they intend to terminate, discipline, or demote. The notice must contain the grounds for the intended action, and notification of the right to request a hearing. If the charges are based on inefficiency, incompetence, or insubordination, the public body must provide the employee with a four month remediation plan before charging the employee.

If a hearing is requested, it shall take place at least sixty days after the charges are served and the decision will be based on the doctrine of just cause. The act contains provisions concerning the hearing process by the Labor and Industrial Relations Commission, including the selection of a hearing officer, disclosure of witnesses, and representation.

Officials who are required to be appointed by the governor cannot appeal their removal.

Under the act, permanent teachers must be notified of their right to a hearing by the Board of Education or the Labor and Industrial Relations Commission and their right to request such a hearing.

This act is similar to SB 829 (2004), SB 120 (2005), SCS/SB 734 (2006), and SB 146 (2007).  
CHRIS HOGERTY

12/01/2007 Prefiled  
01/09/2008 S First Read--SB 837-Bray (S16)  
01/14/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S82)

EFFECTIVE: August 28, 2008

\*\*\* SB 838 \*\*\*

3289S.011

SENATE SPONSOR: Engler

SB 838 - Under current law, a qualified fuel ethanol producer is eligible for a monthly grant for fuel ethanol produced from Missouri agricultural products. This act allows such fuel ethanol to also be produced from biomass that is qualified by the Agricultural and Small Business Development Authority in consultation with the Conservation Commission.

Fuel ethanol grant incentives paid for fuel ethanol produced from biomass are authorized between January 1, 2009 and December 31, 2019, not to exceed \$10 million per year.

This act is similar to SCS/SB 499 (2007) and similar to HCS/HB 709 (2007).  
ERIKA JAQUES

12/01/2007 Prefiled  
01/09/2008 S First Read--SB 838-Engler (S17)  
01/14/2008 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S82)

EFFECTIVE: August 28, 2008

\*\*\* SB 839 \*\*\*

3373S.011

SENATE SPONSOR: Engler

SB 839 – Current law provides that certain payments made from any source by a school district that result in the transfer of the title of real property to the school district shall be deducted as an adjustment to the funds payable to the district under the school funding formula. This act provides that any school district that leased modular buildings in fiscal year 2004, with lease payments made from the incidental fund and that initiates the transfer of title to the district after fiscal year 2007 shall not have an adjustment of funds take place.

MICHAEL RUFF

12/01/2007 Prefiled  
01/09/2008 S First Read--SB 839-Engler (S17)  
01/14/2008 Second Read and Referred S Education Committee (S82)

EFFECTIVE: August 28, 2008

\*\*\* SB 840 \*\*\*

3393S.011

SENATE SPONSOR: Engler

SCS/SBs 840 & 857 - The act expands eligibility on the state's no-call list to include personal cell phone numbers. Current law prohibits certain types of telephone solicitations to persons on the no-call list. This act additionally prohibits these same types of solicitations via faxing, graphic imaging, or data communication (which includes text messaging).

The act also adds automated phone calls to the types of calls prohibited to individuals who sign up on the no-call list. Certain automated calls are exempt, which are calls:

- that a person has given permission to receive;
- relating to a recent or current business or personal relationship;
- that are preceded by a live operator who announces the automated message;

- from a public safety agency or other entity notifying a person of an emergency;
- from a telecommunications company or its directory publisher affiliates made solely to verify the delivery of products or services provided at no charge to the individual called; and
- for the purpose of taking polls on public policy matters, political candidates, or issues to be put before the voters.

Entities that make automated calls shall not block their number from appearing on any caller identification service. In addition to other penalties as described, violators of this provision may be subject to penalties associated with certain unlawful merchandising practices.

Violators of this act may be subject to a civil penalty up to \$5,000 per knowing violation. Individuals who receive more than one automated call or political solicitation from the same entity in any twelve-month period in violation of this act may bring action to cease the calls and recover actual monetary loss or damages. A two-year statute of limitations exists on bringing suit for violations of this act. It shall not be considered a violation of the act for an automated call message to be left on the answering machine or voice mail of a person whose number is registered on the no-call list, provided that the automated message is announced by a live operator.

The act also requires that anyone making a political phone call to a Missouri resident must include a "paid for by" statement. A committee making political phone calls must be registered with the Missouri Ethics Commission. Businesses and other non-committee organizations making political phone calls must register with the Secretary of State and the Missouri Ethics Commission and must disclose on whose behalf the organization is making the calls. Records must be kept for two years after the date an organization receives payment for political solicitation services rendered.

Entities that give out the phone number of an elected official in a political radio advertisement must register with the Missouri Ethics Commission and disclose who is paying for the advertisement.

The Secretary of State shall provide a summary of the political phone call requirements to any candidate who files for an elective office.

Violations of the political-related solicitations may be referred to the Missouri Ethics Commission.

This act contains an emergency clause.

This act is similar to SS/SCS/SBs 49, 65, 210, 251 (2007) and SCS/HB 801 (2007).

#### ERIKA JAQUES

12/01/2007 Prefiled  
 01/09/2008 S First Read--SB 840-Engler (S17)  
 01/14/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S82)  
 01/17/2008 Hearing Conducted S Commerce, Energy and the Environment Committee  
 01/24/2008 SCS Voted Do Pass (w/SCS/SBs 840 & 857) S Commerce, Energy and the Environment Committee (3393S.02C)

EFFECTIVE: August 28, 2008

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\*\*\* SB 841 \*\*\*

3510S.011

SENATE SPONSOR: Stouffer

SB 841 - This act provides that the maximum gross vehicle weight limit and axle weight limit for heavy-duty vehicles equipped with idle reduction technology may be increased (up to an additional 400 pounds) to account for the technology.

This provision was contained in SB 102 (2007) and SB 969 (2006).

#### STEPHEN WITTE

12/01/2007 Prefiled  
 01/09/2008 S First Read--SB 841-Stouffer (S17)  
 01/14/2008 Second Read and Referred S Transportation Committee (S82)  
 01/23/2008 Hearing Conducted S Transportation Committee  
 01/30/2008 Voted Do Pass S Transportation Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 842 \*\*\*

3491S.011

SENATE SPONSOR: Stouffer

SB 842 - Under this act, the Highways and Transportation Commission is authorized to void billboard permits without paying compensation under the following conditions:

- (1) When there has been any misrepresentation of a material fact by the applicant on a permit application and the sign is removed under law;
- (2) When the commission determines that a change has been made to a conforming sign by the sign owner and the sign has been removed under law; or
- (3) When the commission determines that a substantial change has been made to a nonconforming sign by the sign owner such that the sign's nonconforming status was terminated and the sign was removed under the commission's administrative rules for maintenance of nonconforming signs.

The commission may also void any permit when the commission determines that such permit has been erroneously issued by Department of Transportation staff in violation of any state law or administrative rule. The billboard shall be subject to removal and compensation shall be paid pursuant to law. The billboard voidance provisions are contained in SB 130(2007), HB 744 (2007) and SB 1064 (2006)(sections 226.530 and 226.580).

The act also provides that signs which were legally erected according to legal standards in effect prior to August 28,2002, but which fail to comply with new legal standards on that date shall be considered as legal conforming out of standard signs under Missouri law. Such signs shall not be considered nonconforming for failure to comply with subsequently adopted sign standards.

STEPHEN WITTE

12/01/2007 Prefiled

01/09/2008 Bill Withdrawn (S17)

EFFECTIVE: August 28, 2008

\*\*\* SB 843 \*\*\*

3596S.011

SENATE SPONSOR: Wilson

SB 843 - This act creates the "Youth Smoking Prevention Trust Fund," which shall be funded by moneys received under the Tobacco Master Settlement Agreement. The Commission for Youth Smoking Prevention is established in the Department of Health and Senior Services. The Commission shall fund youth smoking prevention programs modeled after evidence-based programs proven to reduce youth smoking.

This act is similar to SCS/SB 109 (2007).

ADRIANE CROUSE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 843-Wilson (S16)

01/14/2008 Second Read and Referred S Seniors, Families and Public Health Committee (S82)

EFFECTIVE: August 28, 2008

\*\*\* SB 844 \*\*\*

3523S.021

SENATE SPONSOR: Rupp

SB 844 – This act requires school districts to request a prospective teacher's personnel file from any previous school of employment prior to extending an offer of employment. A school district that receives a request for a personnel file must send it within three days.

MICHAEL RUFF

12/01/2007 Prefiled

01/09/2008 S First Read--SB 844-Rupp (S17)

01/14/2008 Second Read and Referred S Education Committee (S82)

01/29/2008 Hearing Cancelled S Education Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 845 \*\*\*

3502S.011

SENATE SPONSOR: Rupp

SB 845 - This act prohibits a city, town or village from annexing land owned by the state that is primarily used for recreation, resource conservation, or natural or cultural resource preservation, if the sole purpose of annexing such land is to allow the city to annex land that is not otherwise contiguous to the city, town or village except through the state-owned land.

ERIKA JAQUES

12/01/2007 Prefiled

01/09/2008 S First Read--SB 845-Rupp and Dempsey (S17)

01/14/2008 Second Read and Referred S Economic Development, Tourism &amp; Local Government Committee (S82)

01/23/2008 Hearing Conducted S Economic Development, Tourism &amp; Local Government Committee

01/30/2008 Voted Do Pass S Economic Development, Tourism &amp; Local Government Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 846 \*\*\*

3520S.011

SENATE SPONSOR: Rupp

SB 846 – This act modifies the laws relating to higher education scholarships.

Current law provides that only public community colleges and public vocational or technical schools may receive A+ Schools Program reimbursements. This act would allow any two-year public or private vocational or technical school to obtain A+ Schools Program reimbursements that meets the following requirements: the school must be a member of the North Central Association and be accredited by the Higher Learning Commission; be designated as a 501(c)(3) non-profit organization; cannot receive tuition reimbursements in excess of the tuition rate charged by public community colleges for coursework offered by private vocational or technical colleges within the service area of the school; and reimbursements provided must not violate provisions of Article IX, section 8, or Article I, section 7 of the Missouri Constitution, or the First Amendment of the United States Constitution. These new requirements shall not apply to public institutions currently receiving A+ reimbursement.

This act creates the "Community College Associate Degree Transfer Incentive Program" to be administered by the Coordinating Board for Higher Education. This program will distribute scholarship money to students at public or private four-year Missouri colleges or universities who graduated from a public Missouri community college or two-year institution and who has transferred to a public or private four-year Missouri college or university. Further eligibility criteria are described therein. The coordinating board must develop performance standards for the program and must submit an annual report to the General Assembly.

This act also creates the "Community College Associate Degree Transfer Incentive Program Fund" in the state treasury.

The program will sunset in six years.

This act contains provisions similar to SCS/SB 160 (2007), SB 654 (2006), and SB 91 (2005).

MICHAEL RUFF

12/01/2007 Prefiled

01/09/2008 S First Read--SB 846-Rupp (S17)

01/14/2008 Second Read and Referred S Education Committee (S82)

02/06/2008 Hearing Scheduled S Education Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 847 \*\*\*

3628S.011

SENATE SPONSOR: Shoemyer

SB 847 - This act creates the Missouri Seed Availability and Competition Act. Farmers who want to retain patented seed from a current harvest for planting the following season must register with the

Department of Agriculture and pay a fee of \$7 per bushel of saved seed. The fees are to be deposited into the Genetically Engineered Seed Fund, which is created by the act. Six dollars per bushel collected are to be remitted to the patent holder of the seed on a quarterly basis. One dollar is to be retained by the Department for actual administrative costs of the fund. Any unused administrative funds are to be directed to a subaccount of the fund for use by the University of Missouri for agricultural research and development.

A farmer will only be liable for health, safety, or environmental impacts if he or she intentionally or negligently fails to significantly follow the patent holder's or manufacturer's instructions and guidelines for planting the seed.

A violation of this act is considered a crime of misappropriation of patented seed and is a Class D felony. All other legal remedies are available to the owner of the misappropriated seed.

This act is similar to SB 68 (2007) and HB 1300 (2006).

ERIKA JAQUES

12/01/2007 Prefiled  
01/09/2008 S First Read--SB 847-Shoemyer (S17)  
01/14/2008 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S82)

EFFECTIVE: August 28, 2008

\*\*\* SB 848 \*\*\*

3648S.011

SENATE SPONSOR: Shoemyer

SB 848 - The act requires all offices in the state capitol building to be readily accessible to and usable by individuals with disabilities.

ADRIANE CROUSE

12/01/2007 Prefiled  
01/09/2008 S First Read--SB 848-Shoemyer (S17)  
01/14/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S82)  
01/22/2008 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 849 \*\*\*

3503S.011

SENATE SPONSOR: Shoemyer

SB 849 - This act provides that the Office of the Child Advocate shall have the authority to file any findings or reports of the child advocate regarding the parent or child with the juvenile court.

ADRIANE CROUSE

12/01/2007 Prefiled  
01/09/2008 S First Read--SB 849-Shoemyer (S17)  
01/14/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S82)

EFFECTIVE: August 28, 2008

\*\*\* SB 850 \*\*\*

3117S.011

SENATE SPONSOR: Justus

SB 850 - This act requires the Board of Optometry to give ten days' public notice of the time and place of its meetings.

CHRIS HOGERTY

12/01/2007 Prefiled  
01/09/2008 S First Read--SB 850-Justus (S17)  
01/14/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S82)

EFFECTIVE: August 28, 2008

\*\*\* SB 851 \*\*\*

3374S.021

SENATE SPONSOR: Justus

SB 851 - Currently, a person who has been convicted of a dangerous felony or an equivalent crime in another state or who has been confined for such a crime during the preceding five-year period is prohibited from possessing a concealable firearm. Violation of this section is a Class C felony. Under this act, a person convicted of such a felony shall be prohibited from possessing a concealable firearm regardless of when the person was confined.

SUSAN HENDERSON MOORE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 851-Justus (S18)

01/14/2008 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S82)

EFFECTIVE: August 28, 2008

\*\*\* SB 852 \*\*\*

3108S.011

SENATE SPONSOR: Smith

SB 852 - This act creates an earned income tax credit to be taken against Missouri income tax liability. The tax credit is non-refundable. For taxable years beginning on or after January 1, 2009, the amount of the tax credit will be equal to five percent of the allowable federal earned income credit. Every two tax years, the amount of the credit is doubled such that for tax years beginning on or after January 1, 2013, the amount of the tax credit will equal twenty percent of the allowable federal earned income credit. The department of revenue is required to notify taxpayers which would qualify for the credit.

This act will automatically sunset six years after the effective date of the act unless reauthorized.

This act is similar to Senate Bill 608 (2007).

JASON ZAMKUS

12/01/2007 Prefiled

01/09/2008 S First Read--SB 852-Smith (S18)

01/14/2008 Second Read and Referred S Ways &amp; Means Committee (S82)

EFFECTIVE: August 28, 2008

\*\*\* SB 853 \*\*\*

3107S.011

SENATE SPONSOR: Smith

SB 853 - This act adopts an agreement to elect the president by popular vote.

Under the act, each participating state will award its electoral votes to the presidential candidate who receives the majority of the popular vote in all of the states and the District of Columbia. The compact only becomes effective when it is enacted by states that collectively hold a majority of the electoral votes. The agreement terminates when the electoral college is abolished.

This act is identical to HB 289 (2007), and SB 565 (2007).

CHRIS HOGERTY

12/01/2007 Prefiled

01/09/2008 S First Read--SB 853-Smith (S18)

01/14/2008 Second Read and Referred S Financial &amp; Governmental Organizations and Elections Committee (S82)

EFFECTIVE: August 28, 2008

\*\*\* SB 854 \*\*\*

3444S.011

SENATE SPONSOR: Coleman

SB 854 - Current law provides that students are required to earn one unit of credit in Physical Education to graduate from high school. This act would allow a school board to adopt a policy allowing any student who has earned fine arts credit for participation in high school marching band for three or more years to be granted a waiver for one half unit of the physical education graduation requirement. A school board must hold a public hearing on the question and a majority of the board must vote in favor of the question in order

for the policy to be adopted. Any board that votes to adopt such a policy must contact appropriate officials at the Department of Elementary and Secondary Education within thirty days of an affirmative vote. The State Board of Education must make any necessary alterations to bring the state's minimum graduation requirements into compliance with this section.

MICHAEL RUFF

12/01/2007 Prefiled

01/09/2008 S First Read--SB 854-Coleman (S18)

01/14/2008 Second Read and Referred S Education Committee (S82)

EFFECTIVE: August 28, 2008

\*\*\* SB 855 \*\*\*

3527S.011

SENATE SPONSOR: Coleman

SB 855 - This act adds as a covered service under the MO HealthNet program counseling services for emotional disorders or conditions provided by licensed psychologists, licensed professional counselors, licensed clinical social workers, and licensed marital and family therapists. The services of a licensed marital and family therapist shall be a covered service regardless of whether such therapist is also licensed as a professional counselor.

ADRIANE CROUSE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 855-Coleman (S18)

01/14/2008 Second Read and Referred S Health and Mental Health Committee (S82)

01/29/2008 Hearing Conducted S Health and Mental Health Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 856 \*\*\*

3293S.011

SENATE SPONSOR: Engler

SB 856 - This act allows persons who have been awarded the Armed Forces Expeditionary Medal to receive a special license plate inscribed with the words "expeditionary service" and bearing a reproduction of the Armed Forces Expeditionary Medal.

STEPHEN WITTE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 856-Engler (S18)

01/14/2008 Second Read and Referred S Transportation Committee (S82)

01/23/2008 Hearing Conducted S Transportation Committee

01/30/2008 Voted Do Pass S Transportation Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 857 \*\*\*

3501S.011

SENATE SPONSOR: Rupp

SB 857 - This act adds automated phone calls to the types of calls prohibited to individuals who sign up on the state no-call list. Certain automated calls are exempt, which are:

- calls a person has given permission to receive;
- calls relating to a recent or current business or current personal relationship; and
- calls preceded by a live person who obtains consent to play the automated message.

Entities that make automated calls shall not block their number from appearing on any caller identification service. In addition to other penalties as described, violators of this act may be subject to certain unlawful merchandising practices.

Violators of this act may be subject to a civil penalty up to \$5,000 per violation. Individuals who receive more than one automated call from the same entity in any twelve-month period in violation of this act may bring action to cease the calls and recover actual monetary loss or damages. A two-year statute of limitations exists on bringing suit for violations of this act.

The act requires that anyone making a political phone call to the home phone line of a Missouri resident

must include a "paid for by" statement.

This act is identical to SB 65 (2007).

ERIKA JAQUES

12/01/2007 Prefiled

01/09/2008 S First Read--SB 857-Rupp (S18)

01/14/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S82)

01/17/2008 Hearing Conducted S Commerce, Energy and the Environment Committee

01/24/2008 Bill Combined w/SCS/SBs 840 & 857

EFFECTIVE: August 28, 2008

\*\*\* SB 858 \*\*\*

3595S.02I

SENATE SPONSOR: Rupp

SB 858 - This act modifies the law relating to illegal immigrants.

Under current law, employers who negligently hire unauthorized aliens are ineligible to receive state-administered or subsidized tax credits, tax abatements or loans from the state. Those in violation who knowingly accept such credits, abatements or loans shall, upon conviction, be guilty of a Class A misdemeanor.

This amendment holds employers accountable for their contractors and subcontractors who hire unauthorized aliens.

Under this amendment, employers who know or should know that they employ unauthorized aliens on projects involving state-administered or subsidized tax credits, tax abatements or loans from the state shall be fined up to \$25,000 per unauthorized alien for a first offense and up to \$50,000 per unauthorized alien for a subsequent offense. Those who intentionally engage in such activity shall be banned from further projects administered by the agency administering the program.

This amendment exempts employers from such adverse treatment when the employer's contractors and subcontractors hire unauthorized aliens when the employer requires its general and subcontractors, by contract, to actively participate in a Status Verification System administered by the federal government designed to verify the work authorization of any individual.

Employers shall withhold state income tax at the rate of 6% of the wages paid to the employee subject to withholding or the amount of compensation paid to an individual required to be reported on federal Form 1099 if the individual fails to provide a valid Social Security number. Employers shall be liable for amounts they fail to withhold.

The act creates a private cause of action for those discharged by employers who employ unauthorized aliens at the time of their discharge. Employers enrolled in a status verification system are exempt from liability.

Illegal aliens are barred from attending all public universities in the state.

Under federal law, unlawfully present aliens are not eligible for state or local public benefits with certain exceptions. This act reiterates federal law stating that such aliens are ineligible and the exceptions.

Applicants for benefits shall provide proof of citizenship, residency, or lawful presence in order to receive benefits. If applicants cannot provide such proof they can sign an affidavit attesting to their status and shall be eligible to receive temporary benefits until their status can be determined.

If an applicant is an alien, the applicant shall not receive benefits until lawful presence is verified by the federal government.

This act is similar to SB 1250 (2006), SB 348 (2007), and SB 626 (2007).

CHRIS HOGERTY

12/01/2007 Prefiled

01/09/2008 S First Read--SB 858-Rupp (S18)

01/14/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S82)

EFFECTIVE: August 28, 2008

\*\*\* SB 859 \*\*\*

3498S.011

SENATE SPONSOR: Rupp

SB 859 - This act allows health maintenance organizations to offer high deductible health plans provided such high deductible health plans are combined with health savings accounts. The health savings accounts affiliated with high-deductible HMO plans must be funded to cover the deductible for the plan. Any health maintenance organization that issues a high deductible health plan that is combined with a health savings account shall be taxed at a rate of two percent on premiums received from high deductible health plans in the same manner as life and health insurance companies are taxed under chapter 148. The proceeds from the tax, however, shall be deposited in the part C early intervention system fund (First Steps Fund). The act authorizes the department of insurance to assess whether the high-deductible health plans are meeting the act's requirements. If a HMO fails to comply with the act's requirements, the department may revoke or suspend the HMO's authority to issue such health plans. The act requires that the contractual payments rates for covering enrollees in the new high-deductible plans must be negotiated separately from current HMO contracts.

This act is substantially similar to SB 374 (2007).

STEPHEN WITTE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 859-Rupp (S18)

01/14/2008 Second Read and Referred S Health and Mental Health Committee (S82)

EFFECTIVE: August 28, 2008

\*\*\* SB 860 \*\*\*

3422S.011

SENATE SPONSOR: Shoemyer

SB 860 - This act prohibits the condemnation of property owned by a gun club or sportsmen's club.  
SUSAN HENDERSON MOORE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 860-Shoemyer (S18)

01/14/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S82)

EFFECTIVE: August 28, 2008

\*\*\* SB 861 \*\*\*

3550S.011

SENATE SPONSOR: Shoemyer

SB 861 - This act redefines the term "intoxication-related traffic offense" to include certain traffic offenses involving alcohol regardless of whether the defendant was represented by or waived the right to an attorney in writing. This term is used in the provisions providing enhanced penalties for persons who commit multiple intoxication-related traffic offenses.

SUSAN HENDERSON MOORE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 861-Shoemyer (S18)

01/14/2008 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S82)

01/22/2008 Hearing Conducted S Judiciary and Civil &amp; Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 862 \*\*\*

3236S.011

SENATE SPONSOR: Shoemyer

SB 862 - This act establishes notification requirements for entities who conduct private investigations on farms to evaluate the origins of agricultural commodities or to enforce trade agreements or contracts associated with genetically-modified agricultural products. The landowner and appropriate local law enforcement shall be notified in writing at least 48 hours prior to the visit, and the landowner shall also be notified on the day of the visit. Violators of the act shall be guilty of trespass and fined no less than \$10,000

per violation.

This act is similar to SB 69 (2007) and HB 1299 (2006).

ERIKA JAQUES

12/01/2007 Prefiled

01/09/2008 S First Read--SB 862-Shoemyer (S18)

01/14/2008 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S82)

EFFECTIVE: August 28, 2008

\*\*\* SB 863 \*\*\*

3514S.011

SENATE SPONSOR: Rupp

SB 863 - Currently, a participant taxpayer may deduct up to eight thousand dollars of annual contributions to the Missouri Higher Education Savings Program from income to determine Missouri adjusted gross income. This act modifies the deduction provision to allow married taxpayers filing a joint tax return to deduct up to sixteen thousand dollars of annual contributions from income.

This act is identical to Senate Bill 224 (2007).

JASON ZAMKUS

12/01/2007 Prefiled

01/09/2008 S First Read--SB 863-Rupp (S19)

01/15/2008 Second Read and Referred S Ways & Means Committee (S89)

02/04/2008 Hearing Conducted S Ways & Means Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 864 \*\*\*

3515S.011

SENATE SPONSOR: Rupp

SB 864 - This act establishes the "Law Enforcement Safety Fund". A surcharge of seven dollars shall be assessed in all criminal cases filed in this state and shall be deposited into the fund, the purpose of which is to provide a defined contribution system for eligible law enforcement members.

The fund shall be administered by a board of directors comprised of two chiefs of police who are members of the Police Chiefs' Association, two full-time police officers or deputy sheriffs who are members of a state fraternal order of police, a sheriff, a member of the general assembly from the joint committee on public employee retirement, and a member of the defined contribution system established by this act. The directors of the first board shall be appointed by the Governor, and future directors shall be elected or appointed, in staggered terms, as described in this act.

Any person employed on a full-time basis as a marshal, chief of police, police officer of a municipality, or sheriff or deputy sheriff of a county, including sheriffs from Kansas City and St. Louis county but excluding sheriffs from St. Louis City, may choose to become a member of this defined contribution system. A member shall contribute twenty dollars monthly to the system. Membership in the system shall continue as long as such member remains employed in a benefit-eligible position and continues to make the monthly contribution, or as long as the member is eligible to receive grants from the fund, as provided by this act.

A member shall, at any time, be eligible receive the funds he or she contributes to the system, plus any interest or dividends, minus maintenance fees. Additionally, any member who has ten or more years of creditable membership service with the system and a minimum of ten years prior service in a position that would have been covered by the system if it had been established, or who has five years or more of creditable membership service and a minimum of fifteen years of prior service in a position that would have been covered by the system if it had been established, may, upon application, also receive a portion of the surcharges deposited into the fund, if the eligible member has met retirement requirements.

Any person who is a member of the system on its date of establishment shall receive credit for up to fifteen years of prior service before the system was established in a benefit-eligible position. However, no member shall receive benefits from the program prior to attaining the age of 55.

Benefits under this system shall in no way affect eligibility for any other retirement plan.

This act is similar to HB 1729 (2006) and SB 373 (2007).

ALEXA PEARSON

12/01/2007 Prefiled

01/09/2008 S First Read--SB 864-Rupp (S19)

01/15/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S89)

EFFECTIVE: August 28, 2008

\*\*\* SB 865 \*\*\*

3277S.011

SENATE SPONSOR: Rupp

SB 865 - Under this act, no life insurance company shall deny or refuse to accept an application for life insurance, refuse to renew, cancel, restrict, or otherwise terminate a policy of life insurance, or charge a different rate for the same life insurance coverage, based upon the applicant's or insured's past or future lawful travel destinations. Nothing in this section shall prohibit a life insurance company from denying an application for life insurance, or charging a different premium or rate for such coverage under such policy based on a specific travel destination where the denial or rate differential is based upon sound actuarial principles or is related to actual or reasonably anticipated experience. Under the act, a violation constitutes an unfair trade practice.

This act is substantially similar to SB 707 (2007).

STEPHEN WITTE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 865-Rupp and Gibbons (S19)

01/15/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S89)

EFFECTIVE: August 28, 2008

\*\*\* SB 866 \*\*\*

3237S.011

SENATE SPONSOR: Shoemyer

SB 866 - This act bars an employer from receiving favorable tax treatment or loans from the state for 5 years when 25% or more of the employer's workforce is paid under the federal poverty level as published yearly by the United States Department of Health and Human Services. Agencies authorizing tax treatment or the issuance of loans may waive this restriction for a first-time occurrence. Findings of ineligibility may be appealed to the administrative hearing commission.

This act is similar to SB 70 (2007).

CHRIS HOGERTY

12/01/2007 Prefiled

01/09/2008 S First Read--SB 866-Shoemyer (S19)

01/15/2008 Second Read and Referred S Ways & Means Committee (S89)

EFFECTIVE: August 28, 2008

\*\*\* SB 867 \*\*\*

3240S.011

SENATE SPONSOR: Shoemyer

SB 867 - This act requires salaries for state employees, excluding elected officials and certain other public officials, to be annually adjusted according to the most recent percentage change in the Consumer Price Index for Missouri's region as reported by the United States Department of Labor, Bureau of Labor Statistics.

This act is similar to SB 860 (2004), SB 11 (2005), SB 733 (2006), and SB 392 (2007).

CHRIS HOGERTY

12/01/2007 Prefiled

01/09/2008 S First Read--SB 867-Shoemyer (S19)

01/15/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S89)

EFFECTIVE: August 28, 2008

\*\*\* SB 868 \*\*\*

3505S.031

SENATE SPONSOR: Shoemyer

SB 868 - This act makes it an unfair practice for an insurance company not to follow all components of a repair manual when appraising a damaged vehicle. Specifically, it is an unfair trade practice for an automobile insurance company to:

- 1) Modify any published manual or any automated appraisal system relating to auto body repair without prior agreement between the parties;
- 2) Fail to use a manual or automatic appraisal system in its entirety in the appraisal of a motor vehicle; or
- (3) Refuse to compensate an auto body shop for documented charges as identified through industry recognized software programs or systems for paint and refinishing materials in auto body repair claims.

The provisions of this act shall not apply if the insurer and auto body repair facility have contracted under a direct repair program. If an insured or claimant elects to have his or her vehicle repaired at an auto body repair shop or his or her choice, the insurer shall not limit or discount the repair costs based upon the charges that would have been incurred had the vehicle been repaired by the insurer's chosen shop.

STEPHEN WITTE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 868-Shoemyer and Griesheimer (S19)

01/15/2008 Second Read and Referred S Small Business, Insurance &amp; Industrial Relations Committee (S89)

EFFECTIVE: August 28, 2008

\*\*\* SB 869 \*\*\*

3232S.021

SENATE SPONSOR: Shoemyer

SB 869 - In addition to other reasons, the Department of Insurance may file a complaint with the administrative hearing commission against a bail bond agent or general bail bond agent license holder for final adjudication or a plea of guilty to a felony involving moral turpitude regardless of when such adjudication or plea occurred, rather than only for felonies occurring within the past fifteen years.

SUSAN HENDERSON MOORE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 869-Shoemyer and Barnitz (S19)

01/15/2008 Second Read and Referred S Financial &amp; Governmental Organizations and Elections Committee (S89)

01/22/2008 Hearing Conducted S Financial &amp; Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 870 \*\*\*

3742S.011

SENATE SPONSOR: Loudon

SB 870 - This act repeals a provision which currently allows person holding tocological certifications from organizations accredited by the National Organization for Assurance to provide midwifery services.

STEPHEN WITTE

12/04/2007 Prefiled

01/09/2008 S First Read--SB 870-Loudon (S19)

01/15/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S89)

02/06/2008 Hearing Scheduled S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 871 \*\*\*

3740S.011

SENATE SPONSOR: Bray

SB 871 - This act removes language that prevented the General Assembly from appropriating moneys to support funding of capital projects at public colleges and universities that knowingly employed a professor or

instructor who is a registered sex offender.

MICHAEL RUFF

12/05/2007 Prefiled

01/09/2008 S First Read--SB 871-Bray (S19)

01/15/2008 Second Read and Referred S Education Committee (S89)

EFFECTIVE: August 28, 2008

\*\*\* SB 872 \*\*\*

3855S.011

SENATE SPONSOR: Stouffer

SB 872 - This act provides that signs which were legally erected according to legal standards in effect prior to August 28, 2002, but which fail to comply with new legal standards on that date shall be considered as legal conforming out of standard signs under Missouri law. Such signs shall not be considered nonconforming for failure to comply with subsequently adopted sign standards.

STEPHEN J. WITTE

12/12/2007 Prefiled

01/09/2008 S First Read--SB 872-Stouffer (S19)

01/15/2008 Second Read and Referred S Transportation Committee (S89)

01/30/2008 Hearing Cancelled S Transportation Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 873 \*\*\*

3851S.011

SENATE SPONSOR: Graham

SB 873 – Currently, the governing boards of the University of Missouri, Missouri State University, and Truman State University possess nonvoting student members. This act removes the nonvoting student members and replaces them with voting members beginning with the next appointment to the board of curators by the Governor. Such voting student members shall be able to vote on all matters before the board.

This act is similar to HB 613 (2007), SB 106 (2007), SB 673 (2006).

MICHAEL RUFF

12/12/2007 Prefiled

01/09/2008 S First Read--SB 873-Graham (S19)

01/15/2008 Second Read and Referred S Education Committee (S89)

EFFECTIVE: August 28, 2008

\*\*\* SB 874 \*\*\*

3853S.011

SENATE SPONSOR: Graham

SB 874 - Beginning in fiscal year 2010, the General Assembly shall separately appropriate funds for the Highway Patrol uniform allowance and designate the amount for such allowance. The amount for the uniform allowance shall be no less than \$600 and shall be adjusted each succeeding fiscal year by no less than the rate of the Consumer Price Index.

This act is identical to SB 56 (2007).

SUSAN HENDERSON MOORE

12/12/2007 Prefiled

01/09/2008 S First Read--SB 874-Graham (S19)

01/15/2008 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S89)

EFFECTIVE: August 28, 2008

\*\*\* SB 875 \*\*\*

3854S.011

SENATE SPONSOR: Graham

SB 875 - This act creates the "Missouri's Civil War Trail Fund". The money in the fund shall be administered by the director of the Division of Tourism at the direction of the tourism commission. The fund shall be used only to reimburse the cost of highway information signage designating the route of driving trails

featuring sites associated with the Civil War in Missouri.

This act is identical to SB 541 (2007).

SUSAN HENDERSON MOORE

12/12/2007 Prefiled

01/09/2008 S First Read--SB 875-Graham (S20)

01/15/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S89)

02/06/2008 Hearing Scheduled S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 876 \*\*\*

3852S.011

SENATE SPONSOR: Graham

SB 876 - This act creates an income tax credit in an amount equal to fifty percent of a contribution made by a taxpayer to an eligible organization for the preservation of Missouri's civil war sites. The tax credit is nonrefundable, but may be carried forward five years until fully claimed. The tax credit is fully transferrable. The tax credit has an aggregate annual cap of one hundred thousand dollars and a per taxpayer annual cap of twenty five thousand dollars.

To the extent that tax credits remain unissued for the Neighborhood Assistance program, the first one hundred thousand dollars of such remaining tax credits shall be made available for issuance based upon contributions made to eligible organizations for the preservation of Missouri's civil war sites. The Department of Economic Development shall certify organizations which qualify under the program. Upon certification, the Department of Economic Development must notify the department of revenue as to an organization's certification status.

This act is similar to Senate Bill 470 (2007).

JASON ZAMKUS

12/12/2007 Prefiled

01/09/2008 S First Read--SB 876-Graham (S20)

01/15/2008 Second Read and Referred S Ways & Means Committee (S89)

EFFECTIVE: August 28, 2008

\*\*\* SB 877 \*\*\*

3833S.011

SENATE SPONSOR: Mayer

SB 877 - This act establishes the Missouri Catastrophe Fund to help pay covered residential property damage insurance claims in the aftermath of an earthquake which affects Missouri homeowners and their property/casualty insurers. The fund, which will consist of premiums paid by insurers, bond revenues, and appropriated state funds, will provide a backstop for insurance companies to insure against covered catastrophic losses to avoid the collapse of the property insurance market in the wake of a major earthquake.

**REIMBURSEMENT PREMIUMS** - Reimbursement premiums for the backstop coverage shall be set by the Director of the Department of Insurance, Financial Institutions and Professional Regulation, who shall select an independent consultant to develop a formula for determining the actuarially indicated premium. The director will calculate premiums based upon the insured values under the insurer's covered policies, as reported annually to the director. In order to provide startup moneys for the administration of the fund, insurers are required to pay to the fund an advance premium of \$1,000.

**COVERAGE OF LOSSES** - In exchange for the reimbursement premium paid to the fund by insurers, the director will enter into a contract with each insurer, promising to reimburse the insurer for a percentage of its losses in excess of the insurer's retention, plus 10% of that amount to cover loss adjustment expenses. The insurer will select the reimbursement percentage, at 45%, 75% or 90%, which may be adjusted under certain circumstances. Reimbursement amounts from the fund shall not be reduced by reinsurance paid or payable to the insurer, but the insurer's total recovery shall not exceed 100% of the insurer's losses from covered events, and any excess shall be returned to the fund, unless there is an agreement to the contrary.

**INSUFFICIENT FUNDS** - The act further authorizes the director to issue bonds if moneys in the fund are insufficient to pay reimbursement at the levels agreed to in the reimbursement contracts, upon the occurrence

of a covered event. The act provides that if the director determines that the amount of the actuarially indicated premiums are insufficient to fund revenue bonds to pay the reimbursement contracts, the director shall levy emergency assessments on each property and casualty insurer in the state.

**APPROPRIATIONS TO OTHER AGENCIES FOR EMERGENCY PREPAREDNESS** - The act also allows, in fiscal years in which there are no outstanding obligations of the fund, the General Assembly to make an appropriation (10% to 35% of the fund's investment income) from the catastrophe fund for the purpose of providing funding for local governments, state agencies, public and private educational institutions, and nonprofit organizations to support programs intended to improve catastrophe preparedness, prevent and reduce potential losses from a covered event, provide research into means to prevent and reduce such losses, educate or inform the public as to means to reduce losses from covered events, assist the public in determining the appropriateness of particular upgrades to structures or in the financing of those upgrades, or protect local infrastructure from potential damage from a covered loss. Moneys from the fund shall not be appropriated if the director finds that an appropriation would jeopardize the actuarial soundness of the fund.

**MISSOURI CATASTROPHE FUND ADVISORY COUNCIL** - The act establishes the "Missouri Catastrophe Fund Advisory Council" within the Department of Insurance, Financial and Professional Regulation to provide the director with information and advice in connection with the fund. The advisory council shall be comprised of 13 members who shall be appointed by the governor with the advice and consent of the senate.

**MULTISTATE OR FEDERAL REINSURANCE OR CATASTROPHIC PROGRAMS** - In anticipation of the creation of a federal or multistate catastrophic insurance fund or reinsurance program, the act requires the director, following the creation of such a federal or multistate fund or program, to make recommendations to the General Assembly as to how the catastrophe fund can coordinate with the federal or multistate program and for such other actions as the director determines are appropriate under the circumstances.

This act is similar to SB 518 (2007).

STEPHEN J. WITTE

12/13/2007 Prefiled

01/09/2008 S First Read--SB 877-Mayer (S20)

01/15/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S89)

EFFECTIVE: August 28, 2008

\*\*\* SB 878 \*\*\*

3844S.011

SENATE SPONSOR: Graham

SB 878 - This act provides that certain individuals and entities that disseminate information to the public by print, broadcast, cable, satellite, mechanical, photographic, electronic, or other means shall not be required to disclose the source of information. Such persons and entities also shall not be required to disclose any unpublished or non-broadcast information obtained or prepared in gathering, receiving, or processing of information for any medium of public communication as described in this act.

The person or entity seeking the information may move the circuit court in the county where the proceeding is located for an order to require a person claiming the privilege to disclose the information sought. The motion shall include the name of the person claiming the privilege, the entity with which he or she was connected at the time he or she obtained the information, the specific information sought and its relevancy to the proceeding, and the necessity of disclosure of the information. In cases involving allegations of libel or slander, the motion shall also contain a prima facie showing of falsity of the alleged defamation, and actual harm or injury that resulted therefrom.

The court, in granting or denying divestiture of the privilege, shall consider the nature of the proceedings, the merits of the claim or defense, the adequacy of any remedy otherwise available, the possibility of establishing by other means that which it is alleged the source or information will tend to prove, and the relevancy of the source or information to the proceeding.

The court may only grant divestiture of the privilege if it finds that:

1. The information sought does not involve matters or details necessary in any proceeding that are required to be kept secret under federal or state law, and that all other available sources of information have been exhausted; and
2. Disclosure of the information is essential to the protection of the public interest involved in the proceeding; and

3. In libel or slander cases, the movant's need for disclosure of the information sought outweighs the public interest in protecting the confidentiality of sources used as part of the news-gathering process under the particular facts and circumstances of each particular case.

If the court orders divestiture of the privilege, it shall order disclosure of the information subject to any protective conditions it deems appropriate. The privilege shall remain in effect during the pendency of any appeal.

This act is similar to SB 786 (2006) and identical to SB 58 (2007).

ALEXA PEARSON

12/14/2007 Prefiled

01/09/2008 S First Read--SB 878-Graham (S20)

01/15/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S89)

EFFECTIVE: August 28, 2008

\*\*\* SB 879 \*\*\*

3370S.021

SENATE SPONSOR: Clemens

SB 879 - This act increases from \$6 million to \$12 million the aggregate amount of tax credits that may be issued per fiscal year for the Agricultural Product Utilization Contributor tax credit and the New Generation Cooperative Incentive tax credit.

The Missouri Agricultural and Small Business Development Authority is allowed to issue up to \$1 million in Agricultural Product Utilization tax credits in any fiscal year to individuals contributing cash funds to the Authority. The Authority may issue additional Agricultural Product Utilization tax credits in circumstances as described in the act.

Currently, both tax credit programs are scheduled to expire on December 31, 2010. The act extends the expiration date until December 31, 2016.

This act is similar to SB 489 (2007) and HB 346 (2007).

ERIKA JAQUES

12/17/2007 Prefiled

01/09/2008 S First Read--SB 879-Clemens (S20)

01/15/2008 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S89)

EFFECTIVE: August 28, 2008

\*\*\* SB 880 \*\*\*

3986S.011

SENATE SPONSOR: Green

SB 880 - This act requires private mental health facilities and group homes for the mentally retarded and developmentally disabled to have the same requirements as state-operated facilities.

This act amends the Family Care Safety Registry and Sunshine Laws to include private mental health facilities and group homes. Private mental health facilities and group homes are included in the licensure and standards requirements for residential facilities and day programs. This act also requires dismissal of private contractor employees who violate state laws and rules. The facilities or homes are also required to report staff turnover to the Department of Mental Health and the General Assembly. This act also places a moratorium on patient transfers until the act is fully implemented.

The Department of Mental Health is also required to terminate contracts with private vendors having a pattern of abuse and neglect of patients.

This act is substantially similar to SB 174 (2007).

ADRIANE CROUSE

12/18/2007 Prefiled

01/09/2008 S First Read--SB 880-Green (S20)

01/15/2008 Second Read and Referred S Health and Mental Health Committee (S89)

EFFECTIVE: August 28, 2008

\*\*\* SB 881 \*\*\*

3731S.011

SENATE SPONSOR: Green

SB 881 - Under this act, the Department of Transportation shall establish and administer a drunk driving victim memorial sign program. This act shall be known as "David's Law." The signs shall be placed at or near the scene of the accident. The signs shall be attached to an existing highway sign, street light, or guard rail. The signs shall be placed upon the state highways in accordance with placement guidelines adopted by the department, and any applicable federal limitations or conditions on highway signage, including location and spacing.

The department shall adopt, by rules and regulations, program guidelines for the application for and placement of signs authorized by this section, including, but not limited to, the sign application and qualification process, the procedure for the dedication of signs, and procedures for the replacement or restoration of any signs that are damaged or stolen.

Any person may apply to the Department of Transportation to sponsor a drunk driving victim memorial sign in memory of an immediate family member who died as a result of a motor vehicle accident caused by a person who was shown to have been operating a motor vehicle in violation of an alcohol-related traffic law at the time of the accident. Upon the request of an immediate family member of the deceased victim involved in a drunk driving accident, the department shall place a sign in accordance with the provisions of the act. A person who is not a member of the victim's immediate family may also submit a request to have a sign placed under this section if that person also submits the written consent of a victim's immediate family member. The department shall charge the sponsoring party a fee to cover the department's cost in designing, constructing, placing, and maintaining the sign. Signs erected under the act shall remain in place for a period of ten years. After such date, the signs may be renewed for another 10 years after payment of appropriate maintenance fees.

The signs developed by the department shall resemble a Missouri license plate and shall feature the words "Drunk Driving Victim!", the initials of the deceased victim, the month and year in which the victim of the drunk driving accident was killed, and the phrase "Who's Next?".

Under the act, all private roadside memorials or markers commemorating the death of a drunk driving victim are prohibited. No person, other than a Department of Transportation employee or the department's designee, may erect a drunk driving victim memorial sign.

This act is similar to SB 185 (2007).

STEPHEN J. WITTE

12/18/2007 Prefiled

01/09/2008 S First Read--SB 881-Green (S20)

01/15/2008 Second Read and Referred S Transportation Committee (S89)

01/23/2008 Hearing Scheduled But Not Heard S Transportation Committee

01/30/2008 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 882 \*\*\*

3728S.011

SENATE SPONSOR: Green

SB 882 - This act allows a consumer to request that a "security freeze" be placed on his or her credit report or credit score, which prohibits credit reporting agencies from releasing the consumer's credit report or score without specific authorization from the consumer.

Credit reporting agencies are directed to place a freeze on any consumer's credit information within five days of the receipt of such a request. The reporting agency must notify the consumer in writing within ten days of enacting the security freeze and must provide instructions for removing or temporarily lifting the freeze.

Credit reporting agencies may issue credit reports or scores subject to a freeze in certain circumstances that include: when requested or authorized by the consumer, pursuant to a court order, during times when

the freeze has been temporarily lifted by the consumer, or to anyone with whom the consumer has an existing debtor-creditor relationship.

Credit reporting agencies may not charge a fee for placing or removing a security freeze.

Credit reporting agencies that violate this act shall be liable for actual damages sustained by any affected consumer, the affected consumer's court costs and reasonable attorney fees, and may be subject to other equitable relief assessed by a court.

This act is identical to SCS/SB 507 (2007) and similar to SB 737 (2006).

ERIKA JAQUES

12/18/2007 Prefiled

01/09/2008 S First Read--SB 882-Green and Justus (S20)

01/15/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S89)

01/24/2008 Hearing Conducted S Commerce, Energy and the Environment Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 883 \*\*\*

3845S.011

SENATE SPONSOR: Graham

SB 883 - The Governor, Lieutenant Governor, Attorney General, Secretary of State, Treasurer, Auditor, and members of the General Assembly shall be barred from being employed as lobbyists or working for lobbying firms.

This act is identical to SB 219 (2007).

CHRIS HOGERTY

12/18/2007 Prefiled

01/09/2008 S First Read--SB 883-Graham (S20)

01/15/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S89)

EFFECTIVE: August 28, 2008

\*\*\* SB 884 \*\*\*

3975S.011

SENATE SPONSOR: Graham

SB 884 - This act requires all drivers and passengers in cars or trucks to wear a seat belt. Under current law, only the driver and front seat passenger are required to use seat belts. Exemptions are allowed for United States Postal Service employees while performing their duties (a continuation of current law), persons operating or riding a motor vehicle being used in agricultural work-related activities (a continuation of current law), and persons with a medical reason with documentation from a physician (documentation requirement is new in statute).

The act allows for primary enforcement of Missouri's seat belt law by repealing the provision that prohibited law enforcement from stopping or detaining anyone solely to determine compliance with the seat belt law.

The act also clarifies existing language which allows a person to ride without a seat belt when there are more persons than there are seat belts. If there are more persons than there are seat belts, the passengers who are unable to wear seat belts because all existing seat belts are in use shall sit on the rear seat of the motor vehicle.

The act also makes the seat belt law applicable to trucks with a licensed gross weight under 12,000 pounds or more.

STEPHEN J. WITTE

12/18/2007 Prefiled

01/09/2008 S First Read--SB 884-Graham (S20)

01/15/2008 Second Read and Referred S Transportation Committee (S89)

EFFECTIVE: August 28, 2008

\*\*\* SB 885 \*\*\*

3850S.011

SENATE SPONSOR: Graham

SB 885 - This act allows for the appointment of a board of directors prior to the establishment of a tax for a Community Children's Services Fund and allows for the board to engage in and contract for services or actions necessary to conduct the duties of the board once it is established. Current law requires the appointment of the board after the tax has been established.

This act is identical to SB 323 (2007).

ADRIANE CROUSE

12/18/2007 Prefiled

01/09/2008 S First Read--SB 885-Graham (S20)

01/15/2008 Second Read and Referred S Economic Development, Tourism &amp; Local Government Committee (S89)

EFFECTIVE: August 28, 2008

\*\*\* SB 886 \*\*\*

3923S.021

SENATE SPONSOR: Justus

SB 886 - This act allows any city, town, or village to adopt ordinances, orders, or regulations to control dangerous dogs, provided that no such ordinances, orders, or regulations are specific to breed. Ordinances, orders, or regulations addressing specific breeds of dogs adopted prior to August 28, 2008, shall be deemed invalid.

SUSAN HENDERSON MOORE

12/18/2007 Prefiled

01/09/2008 S First Read--SB 886-Justus (S20)

01/15/2008 Second Read and Referred S Economic Development, Tourism &amp; Local Government Committee (S89)

EFFECTIVE: August 28, 2008

\*\*\* SB 887 \*\*\*

3604S.011

SENATE SPONSOR: Dempsey

SB 887 - This act prohibits the operation of a motor vehicle while using a wireless telephone unless it is specifically designed and configured to allow hands-free listening and talking and is being used in that manner or the motor vehicle is stationary. Any person using a wireless telephone for emergency purposes; an emergency services professional using a wireless telephone in the scope of his or her duties; or a person using a digital two-way radio and is driving a commercial vehicle, excluding pick-up trucks, wreckers, or tow trucks are exempt from the provisions of the act. The provisions of the act do not apply to any person operating a motor vehicle on private property. Any violation will be an infraction punishable by a \$20 fine for a first offense and a \$50 fine for a second or subsequent offense.

This act is substantially similar to SB 664 (2007).

STEPHEN WITTE

12/18/2007 Prefiled

01/09/2008 S First Read--SB 887-Dempsey and Bray (S21)

01/15/2008 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S89)

EFFECTIVE: August 28, 2008

\*\*\* SB 888 \*\*\*

3737S.011

SENATE SPONSOR: Green

SB 888 - This act requires the Department of Elementary and Secondary Education to recalculate the state school aid for the Riverview Gardens School District to correct an error by the district in placing funds received by the state for school aid for fiscal year 2006 in the incidental fund, rather than the capital projects fund.

This act is similar to SB 522 (2007) and HB 698 (2007).

MICHAEL RUFF

12/18/2007 Prefiled  
 01/09/2008 S First Read--SB 888-Green (S21)  
 01/15/2008 Second Read and Referred S Education Committee (S89)

EFFECTIVE: August 28, 2008

\*\*\* SB 889 \*\*\*

4023S.011

SENATE SPONSOR: Green

SB 889 - This act modifies provisions of the Missouri Securities Act of 2003 as it relates to the elderly and disabled.

Definitions for "elderly" and "disabled persons" are added. Also, mandatory minimum penalties are added for those who commit criminal securities fraud against the elderly and disabled persons. This act provides that when a defendant is convicted of such crimes against an elderly or disabled person, the defendant may be fined not less than fifty thousand dollars and imprisoned for not less than five years.

This act also provides for the Commissioner of Securities to impose enhanced penalties for securities fraud against the elderly or disabled.

This act is identical to SB 177 (2007).

ADRIANE CROUSE

12/18/2007 Prefiled  
 01/09/2008 S First Read--SB 889-Green (S21)  
 01/15/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S89)

EFFECTIVE: August 28, 2008

\*\*\* SB 890 \*\*\*

3733S.011

SENATE SPONSOR: Green

SB 890 - This act prohibits commercial inserts or other forms of advertising from accompanying motor vehicle registration notices.

This act is identical to SB 190 (2007).

STEPHEN WITTE

12/18/2007 Prefiled  
 01/09/2008 S First Read--SB 890-Green (S21)  
 01/15/2008 Second Read and Referred S Transportation Committee (S89)  
 01/23/2008 Hearing Scheduled But Not Heard S Transportation Committee  
 01/30/2008 Hearing Conducted S Transportation Committee  
 02/06/2008 Hearing Cancelled S Transportation Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 891 \*\*\*

3732S.011

SENATE SPONSOR: Green

SB 891 - This act prohibits the imposition of penalties and interest on real or personal property tax where the collector finds there is clear and convincing evidence that an error or omission of a county official made it impossible for the tax to be paid in a timely fashion, provided the corrected payment is made within thirty days of mailing the corrected statement.

This act is identical to Senate Bill 265 (2007).

JASON ZAMKUS

12/18/2007 Prefiled  
 01/09/2008 S First Read--SB 891-Green (S21)  
 01/15/2008 Second Read and Referred S Ways & Means Committee (S89)  
 02/04/2008 Hearing Cancelled S Ways & Means Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 892 \*\*\*

3735S.011

SENATE SPONSOR: Green

SB 892 - This act prohibits a local government from using an automated photo red light enforcement system at intersections unless the traffic control signal is also equipped with a device that displays the numerical time remaining before the traffic control signal will display a red signal.

STEPHEN J. WITTE

12/18/2007 Prefiled

01/09/2008 S First Read--SB 892-Green (S21)

01/15/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S90)

EFFECTIVE: August 28, 2008

\*\*\* SB 893 \*\*\*

3729S.011

SENATE SPONSOR: Green

SB 893 - This act creates an income tax deduction for small businesses and farmers that provide health insurance coverage for employees. The deduction will be equal to one hundred percent of expenses related to providing employees with health insurance.

This act is similar to Senate Bill 186 (2007), Senate Bill 622 (2006), and Senate Bill 459 (2005).

JASON ZAMKUS

12/18/2007 Prefiled

01/09/2008 S First Read--SB 893-Green (S21)

01/15/2008 Second Read and Referred S Ways &amp; Means Committee (S90)

EFFECTIVE: August 28, 2008

\*\*\* SB 894 \*\*\*

3730S.011

SENATE SPONSOR: Green

SB 894 - This act creates a deduction against a taxpayer's Missouri state income tax for qualified higher education expenses. In order to qualify, the taxpayer student or taxpayer claiming a student as a dependent, must have a federal adjusted gross income of less than two hundred thousand dollars regardless of whether the taxpayer files a joint or single return and the educational expenses must be incurred by a student registered at least half time.

This act is similar to Senate Bill 187 (2007) and Senate Bill 670 (2006).

JASON ZAMKUS

12/18/2007 Prefiled

01/09/2008 S First Read--SB 894-Green (S21)

01/15/2008 Second Read and Referred S Ways &amp; Means Committee (S90)

EFFECTIVE: August 28, 2008

\*\*\* SB 895 \*\*\*

3369S.011

SENATE SPONSOR: Clemens

SB 895 - This act creates the Manufacturer Responsibility and Consumer Convenience Computer Equipment Collection and Recovery Act.

The act requires manufacturers of computer equipment to implement "recovery plans" for the collection of and the recycling or reuse of obsolete computer equipment. The recovery plan must be implemented and a copy of the plan submitted to the Department of Natural Resources before the manufacturer can sell its computer equipment in Missouri. Manufacturers must also label their computer equipment to identify themselves as the manufacturer.

Consumers shall not be charged a fee for returning the obsolete computer equipment to the manufacturer under the recovery plan. Any collection methods offered by a manufacturer must be reasonably convenient and available to consumers in the state. Manufacturers' collection methods may include any or all of the

following: a mail-back option for consumers at no charge, a physical collection site, or a collection event. Manufacturers may use existing computer equipment collection services, or may partner with other manufacturers, businesses or organizations to meet the collection requirements of the act.

Manufacturers shall inform consumers of the recovery plan information by, at minimum, posting the information on a publicly-available website, but manufacturers may also include such information in the equipments' packaging at the time of sale.

Manufacturers are required to submit a report by January 31st of each year to the Department that documents the weight of all computer equipment collected and recycled or reused during the preceding calendar year. The report shall also document that all equipment was handled in accordance with federal, state, and local laws.

In the case of multiple manufacturers of computer equipment of the same brand, any one manufacturer may meet the recovery plan requirements of the act for all the others, but in the event that none meet the requirements, all may be liable for violating the act. Manufacturers of a certain brand are responsible for equipment of that brand, regardless of when the equipment was manufactured or if they were the manufacturer at that time.

Retailers are prohibited from selling new computer equipment in Missouri unless the equipment contains a manufacturer's label and the manufacturer is listed by the Department as having a recovery plan. The act does not require retailers to offer a collection, recycling, or reuse program to consumers for obsolete computer equipment.

Manufacturers and retailers are not liable for any information on any computer equipment collected under this act. Consumers are responsible for any information left on their equipment.

The Department shall educate consumers about the recycling and reuse of computer equipment and shall provide a website for this purpose. The website shall include a list of manufacturers' recovery plans as well as dates and locations for collection opportunities.

The Department may conduct audits and inspections as it deems necessary to determine compliance with this act. The Department and the Attorney General shall enforce the provisions of the act. The Attorney General may take action to enjoin any activity in violation of the act. The Department shall issue a written warning to anyone who violates the act's provisions for the first time and such person has 60 days with which to come into compliance. The Department may assess a penalty on manufacturers for certain violations not to exceed \$10,000 for second violations, and not to exceed \$25,000 for subsequent violations.

Certain proprietary information submitted to the Department in compliance with the act shall not be considered a public record under the Sunshine Law. The Department shall issue an annual report by March 1st to the Senate and House of Representatives using information compiled from manufacturers. The Department shall not impose fees on anyone who recycles or reuses computer equipment under this act.

The Department shall promulgate rules by July 1, 2009, to implement this act. Any rules shall include standards for recycling and reuse of computer equipment as described in the act. If federal law is passed that creates a national collection and recycling/reuse plan for old computer equipment, the Department can decide to allow the federal law to pre-empt the provisions of this act. This act shall not be enforced until the Department's rules are promulgated.

Retailers shall not be considered in violation of the act for selling computer equipment acquired prior to August 28, 2008.

ERIKA JAQUES

12/19/2007 Prefiled

01/09/2008 S First Read--SB 895-Clemens (S21)

01/15/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S90)

EFFECTIVE: August 28, 2008

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\*\*\* SB 896 \*\*\*

3861S.021

SENATE SPONSOR: Stouffer

SB 896 - This act modifies the methods in which certain special road districts may form, expand or

dissolve within counties of the fourth classification.

Under current law, a special road district may be organized within cities and towns containing less than 100,000 inhabitants under sections 233.010 to 233.165, provided the territory of the special road district does not exceed 8 square miles. Under the proposed act, the 8 mile square territorial restriction on certain city or town special road districts will not apply to special road districts organized with counties of the fourth classification.

Under current law, the boundaries of special road districts may be extended under sections 233.010 to 233.165 if a petition is signed by not less than 35 voters in the old district and not less than 50% of the voters in the territory proposed to be taken into the special road district. This act modifies the amount of signatures required from the voters in the proposed new territory. In the territory proposed to be taken into the special road district, the act requires the petition to be signed by not less than the lesser of 35 voters or 50% of the voters. This proposed modification is not limited by county classification.

Under current law, special road districts that are extended under sections 233.010 to 233.165 may only be extended if the territory does not exceed 17 square miles after its extension. This act removes this restriction with respect to fourth class counties.

This act allows proposed special road districts organized under sections 233.170 to 233.315 to be formed by an election within fourth class counties. Under current law, such special road districts are formed by a petition process in which landowners in the proposed special road district petition the county commission for its creation. This act allows 50 voters in a proposed special road district to file a petition with the county commission to submit the district's creation to a vote of the people.

This act provides an alternative method for dissolving a special road district organized under sections 233.170 to 233.315 within fourth class counties. Under current law, a landowner within such a road district may file a petition with the county commission requesting that the road district be dissolved. Under this act, if a petition requesting the dissolution of the district is signed by 50 voters is presented to the county commission, the county commission shall submit the issue to the voters of the special road district. A petition to dissolve a district may not be presented until the expiration of four years from the date of road district's establishment or from the date of the last election seeking to expand or dissolve the special road district. A dissolution of a road district shall not effect the validity of any bonds issued by the district nor effect the validity of special assessments or taxes levied against parcels of land within the district.

The act allows a special road district organized under sections 2133.170 to 233.315 to be expanded or extended by election within fourth class counties. Under the act, not less than 35 voters in the old district and the lesser of 35 voters or 50% of the voters in the proposed area to be added to the special road district may petition the county commission to have the expansion issue submitted to the voters.

STEPHEN J. WITTE

12/19/2007 Prefiled

01/09/2008 S First Read--SB 896-Stouffer (S21)

01/15/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S90)

02/06/2008 Hearing Scheduled S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 897 \*\*\*

3856S.011

SENATE SPONSOR: Wilson

SB 897 - This act, upon voter approval, increases the fee collected by each recorder of deeds to fund the county homeless person assistance program from \$3 to \$10 if such a program has been created by the governing body.

SUSAN HENDERSON MOORE

12/19/2007 Prefiled

01/09/2008 S First Read--SB 897-Wilson (S21)

01/16/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S104)

02/06/2008 Hearing Scheduled S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 898 \*\*\*

3929S.011

SENATE SPONSOR: Clemens

SB 898 - This act modifies provisions pertaining to the administration of agriculture incentives and programs.

**SECTION 135.633 - TAX CREDIT FOR MELO ACCREDITATION**

This act creates a tax credit for odor abatement activities by concentrated animal feeding operations. The tax credit shall be equal to either: 1) the lesser of fifty percent of the eligible expense incurred by a producer to achieve Managed Environment Livestock Operation (MELO) accreditation or fifty thousand dollars; or 2) the lesser of seventy-five percent of the eligible expense incurred by a producer to meet preferred environmental practices or seventy-five thousand dollars. The tax credit is fully transferable, non-refundable, and may be carried back three years or forward five years until fully claimed. The cumulative amount of tax credits issued by the Missouri Agricultural and Small Business Development Authority to all taxpayers in any fiscal year shall not exceed \$300,000. The Department of Agriculture shall promulgate rules to create the MELO accreditation program. The provisions of this section shall expire three years from the effective date of the Department's MELO rules.

This section is similar to HB 881 (2007) and SB 643 (2007).

**SECTIONS 135.800-135.805 - TAX REPORTING REQUIREMENTS**

This act makes the Family Farm Breeding Livestock Loan tax credit subject to the same reporting requirements as what is required for agricultural tax credits under the Tax Credit Accountability Act. The act also requires new generation cooperatives to report under the Tax Credit Accountability Act, when an agricultural tax credit is issued as a result of a producer member investing in the cooperative.

These sections are similar to SB 503 (2007) and HB 840 (2007).

**SECTION 142.028 - QUALIFIED BIOMASS FOR FUEL ETHANOL**

Under current law, a qualified fuel ethanol producer is eligible for a monthly grant for fuel ethanol produced from Missouri agricultural products. This act allows such fuel ethanol to also be produced from biomass that is qualified by the Missouri Agricultural and Small Business Development Authority (MASBDA) in consultation with the Conservation Commission. Fuel ethanol grant incentives paid for fuel ethanol produced from biomass are authorized between January 1, 2009 and December 31, 2019, not to exceed \$1 million per year.

This section is similar to HCS/HB 709 (2007) and SCS/SB 499 (2007).

**SECTION 144.053 - SALES TAX EXEMPTION FOR FORESTRY EQUIPMENT**

Any new or used farm tractors, machinery, or equipment, including parts, supplies, and fuel, used to plant, harvest, process, or transport forestry products shall be exempt from state and local sales tax, similar to other farm machinery in section 144.030.

This section is similar to HCS/SCS/SB 156 (2007).

**SECTION 144.063 - SALES TAX EXEMPTION FOR FENCING**

This act creates a sales tax exemption for the purchase of fencing materials for agricultural purposes, which shall sunset after 6 years.

This section is similar to HB 711 (2007) and HB 477 (2007).

**SECTION 260.546 - HAZARDOUS SUBSTANCE SPILL CLEANUP**

Current law makes an owner of a released hazardous substance liable for reasonable cleanup costs. This act adds the requirement that the costs for which the owner is liable also be "necessary." The act adds costs incurred for cleaning up any hazardous substances to the costs for which an owner is liable.

The act specifies a 60-day timeframe in which the political subdivision or volunteer fire protection association involved in the cleanup must submit the itemized statement of costs to the owner of the released substance. The statement of costs must include certain explanations for why the costs were incurred.

In the event of an appeal by the owner of the released hazardous substance, the burden of proof is on the political subdivision or volunteer fire protection association to justify the cleanup costs.

The act increases the timeframe from 30 days to 60 days in which the Director of the Department of Natural Resources must notify the involved parties of his or her decision regarding an appeal.

This section is similar to SB 316 (2007), HB 343 (2007) and SB 1158 (2006).

#### SECTIONS 261.035-261.239 and 265.200 - DEPT. OF AGRICULTURE NAME CHANGES

The act makes the following name changes in the Department of Agriculture: the Marketing Division to the "Agriculture Business Development Division;" the Marketing Development Fund to the "Agriculture Business Development Fund;" the Missouri Agricultural Products Marketing Development Fund to the "AgriMissouri Fund;" and the Citizen's Advisory Commission for Marketing Missouri Agricultural Products to the "AgriMissouri Advisory Commission for Marketing Missouri Agricultural Products."

These sections are similar to HB 841 (2007) and SB 488 (2007).

#### SECTION 263.232 - Noxious Weed Control

This act makes the plants spotted knapweed and sericea lespedeza subject to existing noxious weed control laws.

This section is similar to HCS/HB 244 (2007).

#### SECTIONS 348.230-348.235 - DAIRIES

The Missouri Agricultural and Small Business Development Authority (MASBDA) shall pay for the first full year of interest on any applicable Missouri linked deposit program loan, provided the loan pertains to the acquisition of dairy cows. MASBDA may charge a fee up to \$50 for this service.

Subject to appropriation not exceeding \$50,000, MASBDA shall award dairy business planning grants for up to \$5,000 per grant or no greater than 90% of the cost of the plan, whichever is less. MASBDA may charge a fee up to \$50 to apply for a grant. Eligible applicants for the grants shall be existing or start-up dairy operations in Missouri that are at least 51% owned by Missouri residents. MASBDA may promulgate rules for the grant program to establish eligibility and award criteria.

These sections are similar to SB 444 (2007), SB 471 (2007), and HCS/HB 346 (2007).

#### SECTIONS 348.430-348.432 - "IN STATE" REQUIREMENT

A new generation cooperative must operate within the state in order to be eligible for either the Agricultural Product Utilization Contributor tax credit or the New Generation Cooperative Incentive tax credit.

These sections are similar to SB 503 (2007) and HB 840 (2007).

#### SECTION 348.505 - TAX CREDIT MAXIMUM INCREASE

The total cumulative amount of tax credits issued by MASBDA per fiscal year for interest waived for family farm livestock loans is increased from \$150,000 to \$1,000,000.

This section is similar to HB 748 (2007).

#### SECTIONS 414.012-414.122 - AUTOMOTIVE LUBRICANTS

This act requires automotive lubricants to meet ASTM International standards. In the event no ASTM standard exists for certain fuels and petroleum-based products, the Department of Agriculture may promulgate rules that establish standards for such fuel or products provided they are consistent with generally recognized national standards.

The act allows the Department to regulate the posting of prices at gas stations and convenience stores for fuels, petroleum products, and automotive lubricants.

Under current law, the penalty for a first violation of the product standards, or the labeling and advertisement requirements for certain fuels and petroleum products shall not exceed a written reprimand. This act allows the penalty to exceed a written reprimand when it is deemed necessary to protect the public's health or safety.

Dealers, distributors, producers, or compounders of certain oils or fuels must provide a sample of

automotive lubricants to the Department immediately upon request.

The act permits the director of the Department, or his or her representative, to have access during normal business hours to all places where automotive lubricants are marketed.

The act prohibits the storing or selling of automotive lubricants in a deceptive manner.

Upon request, the directors of the Departments of Agriculture and Revenue shall have access to shipping records of automotive lubricants as kept by common carriers and marketers of fuels or petroleum products.

These sections are similar to SB 451 (2007).

#### SECTION 414.420 - ALTERNATIVE FUELS COMMISSION

The Missouri Ethanol and Other Renewable Fuel Sources Commission is renamed as the "Missouri Alternative Fuels Commission" and its membership is expanded from seven to nine members. The Commission shall: 1) make recommendations on legislation to facilitate the sale and distribution of alternative fuels and alternative fuel vehicles; 2) promote the production and use of alternative fuels; 3) promote the development and use of alternative fuel vehicles and other related technology; 4) educate consumers about alternative fuels; 5) develop a long-range plan to reduce petroleum fuel use; and 6) report annually to the Governor and General Assembly.

This section is similar to SCS/SB 156 (2007).

ERIKA JAQUES

12/21/2007 Prefiled  
 01/09/2008 S First Read--SB 898-Clemens (S21)  
 01/16/2008 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S104)  
 01/29/2008 Hearing Conducted S Agriculture, Conservation, Parks & Natural Resources Committee  
 02/05/2008 SCS Voted Do Pass S Agriculture, Conservation, Parks & Natural Resources Committee (3929S.04C)

EFFECTIVE: August 28, 2008

\*\*\* SB 899 \*\*\*

3860S.021

SENATE SPONSOR: Dempsey

SB 899 - Any person required to register as a sexual offender must provide law enforcement any online identifying information he or she uses. Such information shall be made available to the public on the sex offender registry website, but only through specific searches using the online identifier. The information shall not be included in a general profile of the offender.

Subject to appropriations, the Highway Patrol shall make online identifying information of registered sex offenders available to certain electronic and computer businesses to prescreen users and to compare information held by the business.

The patrol shall promulgate rules regarding the release and use of online identifying information and establish a fee for such service. Information obtained by the business shall not be used for any purpose other than for prescreening users or comparing the database of registered users against the list of online identifiers of persons on the sex offender registry in order to protect children from online sexual predators.

Any business complying with these provisions in good faith shall be immune from any civil or criminal liability resulting from: 1) refusing to provide services to a person because the entity believed the person was required to register as a sex offender; 2) a person's criminal or tortious acts, when the person is a register sex offender who has complied with the registration requirements, and committed the acts against a minor using the business's services or system; or 3) any activity for which the entity would be immune from liability under federal law for blocking or screening of offensive material.

SUSAN HENDERSON MOORE

12/21/2007 Prefiled  
 01/09/2008 S First Read--SB 899-Dempsey (S22)  
 01/16/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S104)  
 02/04/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 900 \*\*\*

3443S.011

SENATE SPONSOR: Vogel

SB 900 - Current law allows any county, city which is the county seat of any county, and various other cities to impose a tax, not to exceed five percent per room per night, on charges for sleeping rooms paid by guest of hotels and motels. This act increases the maximum levy from five percent to eight percent. Such increase will become effective only upon voter approval.

JASON ZAMKUS

12/26/2007 Prefiled  
01/09/2008 S First Read--SB 900-Vogel (S22)  
01/16/2008 Second Read and Referred S Ways & Means Committee (S104)  
01/28/2008 Hearing Scheduled But Not Heard S Ways & Means Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 901 \*\*\*

3608S.011

SENATE SPONSOR: Loudon

SB 901 - Under the act, all rights to unaccrued compensation for permanent total disability shall cease upon the death of the injured employee. Unpaid unaccrued compensation for permanent partial disability will continue to be paid to dependents.

This act contains an emergency clause.

This act is similar to SB 665 (2007), SB 666 (2007), and SB 606 (2007).

CHRIS HOGERTY

12/27/2007 Prefiled  
01/09/2008 S First Read--SB 901-Loudon, et al (S22)  
01/16/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S104)  
02/05/2008 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 902 \*\*\*

3930S.011

SENATE SPONSOR: Loudon

SB 902 - This act establishes the Missouri Vehicle Protection Product Act. Under the act, a person would be prohibited from selling or offering for sale a vehicle protection product in Missouri unless the seller, warrantor, and any administrator complies with the provisions of the proposed act. A vehicle protection product warrantor, a seller of a vehicle protection product, or a warranty administrator that complies with the act shall not be subject to any other provisions of the state insurance code.

The proposed act would apply to all warranted products sold or offered for sale on or after January 1, 2009. The failure of any person to comply with the Act before its effective date would not be admissible in any court proceeding, administrative proceeding, arbitration, or alternative dispute resolution proceeding and may not be used to prove that the action of any person or the vehicle protection product was unlawful or otherwise improper.

REGISTRATION AND FILING REQUIREMENTS OF WARRANTORS - A person could not act as a warrantor or represent to the public that the person is a warrantor without registering with the Department of Insurance. A warrantor shall file warrantor registration records annually and update them within 30 days of any change. The act delineates what types of information that the registration records must contain. The department shall make information regarding the warrantor's name and the name and address of its designated agent for service of process available to the public.

The department may charge each registrant a reasonable fee to offset the cost of processing a registration and maintaining the records. The fee shall not exceed \$500 per year. If a registrant failed to register by the renewal deadline established by the department, the department shall give the registrant

written notice of the failure and the registrant will have 30 days to complete the renewal before being suspended from acting as a warrantor in Missouri.

**FINANCIAL RESPONSIBILITY** - No vehicle protection product may be sold or offered for sale in Missouri unless the vehicle protection product warrantor acquires insurance under a warranty reimbursement insurance policy or maintains a net worth or stockholder's equity of \$50,000,000.

**WARRANTY REIMBURSEMENT POLICY REQUIREMENTS** - Under this act, the warranty reimbursement policy must provide that the insurer would reimburse or pay on behalf of the warrantor all covered sums that the warrantor was legally obligated to pay or would provide all services the warrantor was legally obligated to perform according to the warrantor's contractual obligations under its vehicle protection product warranty. The policy must provide that, if payment due under the warranty were not provided by the warrantor within 60 days after the warranty holder filed proof of loss according to the terms of the warranty, the warranty holder may file proof of loss directly with the warranty reimbursement insurance company for reimbursement. The policy must provide that the premium for the policy would be considered paid if the warranty holder paid for the warranted product and the insurer's liability under the policy shall not be reduced or relieved by a failure of the warrantor, for any reason, to report the issuance of a warranty to the insurer. The act also delineates certain requirements regarding cancellation of the policy.

**DISCLOSURE TO WARRANTY HOLDER** - A person could not sell or offer for sale in Missouri a warranted product unless the warranty on the warranty is written in clear, understandable language and was printed or typed in easy-to-read type, size, and style. The warranty shall state that the obligations of the warrantor to the warranty holder are guaranteed under a warranty reimbursement insurance policy or are backed by the warrantor's net assets. The warranty must state that, if a warranty holder must make a claim against a party other than the warrantor, the warranty holder is entitled to make a direct claim against the warranty reimbursement insurer upon the failure of the warrantor to pay any claim or meet any obligation under the terms of the warranty within 60 days after proof of loss was filed with the warrantor. The act delineates other provisions that the warranty must contain.

**WARRANTY CANCELLATION** - The act prohibits a person from selling or offering for sale a vehicle protection product warranty unless it clearly states the terms and conditions governing the cancellation of the sale and warranty. A warrantor may cancel a warranty only if the warranty holder did any of the following:

- (1) Fails to pay for the warranted product;
- (2) Makes a material misrepresentation to the seller or warrantor;
- (3) Commits fraud; or
- (4) Substantially breaches the warranty holder's duties under the warranty.

A warrantor canceling a warranty shall mail written notice of cancellation to the warranty holder at his or her last known address in the warrantor's records at least 30 days before the effective date of a cancellation. The notice shall state the effective date of the cancellation and the reason for it.

**PROHIBITED ACTS** - Unless licensed as an insurance company, a vehicle protection product warrantor could not use in its name, contracts, or literature the word "insurance", "casualty", "surety", or "mutual" or any other words descriptive of the insurance, casualty, or surety business. A warrantor also may not use any name or words in its name that were deceptively similar to the name or description of any insurer or surety or any other vehicle protection product warrantor. A vehicle protection product seller or warrantor may not require as a condition of financing that a retail purchaser of a motor vehicle purchase a vehicle protection product.

**RECORD KEEPING** - A vehicle protection product warrantor must keep accurate accounts, books, and records concerning transactions regulated under the proposed act. The act delineates what the records must include. A warrantor shall retain all required accounts, books, and records pertaining to each warranty holder for at least three years after the specified period of coverage had expired. A warrantor discontinuing business must maintain its records until it furnished the department satisfactory proof that it had discharged all obligations to warranty holders in Missouri.

A warrantor would have to make its accounts, books, and records available to department for the purpose of examination.

**SANCTIONS/ADMINISTRATIVE PENALTIES** - Under the act, the Department may conduct examinations of

warrantors, administrators, or other people to enforce the proposed act and protect warranty holders in Missouri. The department may take any action that is necessary or appropriate to enforce the act and rules and orders to protect warranty holders in Missouri.

RULEMAKING POWER - The act authorizes the department to promulgate rules that are necessary to implement and administer the proposed act. The rules must include disclosure requirements for the benefit of warranty holders, record-keeping requirements, and procedures for public complaints.

The act has an effective date of January 1, 2009. This act is substantially similar to SCS/SB 297 (2007) and SB 1058 (2006).

STEPHEN J. WITTE

12/27/2007 Prefiled

01/09/2008 S First Read--SB 902-Loudon (S22)

01/16/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S104)

EFFECTIVE: January 1, 2009

\*\*\* SB 903 \*\*\*

4062S.011

SENATE SPONSOR: Griesheimer

SB 903 - This act modifies the law with respect to the regulation of household good movers. This act restores an exemption to intrastate motor carriers that transport household goods within municipalities and certain commercial zones. If the exemption is restored, these types of household good movers may operate in such areas without obtaining operating authority from the Department of Transportation. This act also repeals Section 387.075 which currently allows common carriers authorized to transport household goods to file rate approval applications with the Highways and Transportation Commission to reflect increases and decreases in the carrier's costs.

STEPHEN J. WITTE

01/02/2008 Prefiled

01/09/2008 S First Read--SB 903-Griesheimer (S22)

01/16/2008 Second Read and Referred S Transportation Committee (S104)

EFFECTIVE: August 28, 2008

\*\*\* SB 904 \*\*\*

4109S.011

SENATE SPONSOR: Griesheimer

SB 904 - This act modifies provisions pertaining to the Underground Facility Safety and Damage Prevention Act.

Under current law, gas distribution lines, electric lines, telecommunications facilities, cable t.v. facilities, water lines, storm drainage, and sewer lines located on private property and owned by the landowner are not considered "underground facilities" for purposes of the Underground Facility Safety and Damage Prevention Act. This act modifies this definition by requiring that if any of the above-mentioned lines are used for vehicular traffic control, the lighting of streets and highways, or communications for emergency response, they shall be considered an "underground facility." The lines shall also be considered an "underground facility" if they cross or lie within a public easement, public right-of-way, or another person's property.

Current law provides an exemption for railroads regulated by the Federal Railroad Administration, where the definition of "underground facility" does not include any excavating conducted by a railroad on land owned or operated by the railroad or on adjacent land in an emergency. This act removes this exemption.

An owner or operator of an "underground facility" shall have no cause of action against an excavator for damage to his or her facility if the owner or operator has not complied with the damage claim notification requirements of the act. Excavators who fail to give required notice of proposed excavations and owners or operators of underground facilities who fail to provide required information to excavators shall be presumed negligent under the act. A court shall award reasonable attorney's fees to the prevailing party in a cause of action regarding damage to an underground facility.

Claims for damages to an underground facility shall be provided to the excavator by the owner or operator of the damaged facility within the earlier of 90 days after completion of repairs or 120 days after the

excavator notified the facility owner of the damage. The claim shall be made in writing, itemizing the amounts requested, and given to the excavator via personal delivery or certified mail. The time frame may be extended if a lawful authority delays the repair of the damage to the underground facility or in cases involving temporary and final repairs.

Claims for damages shall not be enforceable if they are not provided in accordance with the requirements of the act.

Actions by the owner or operator of a damaged underground facility against an excavator shall be brought within one year of the date of damage, provided the excavator complied with the damage notification requirements.

ERIKA JAQUES

01/03/2008 Prefiled

01/09/2008 S First Read--SB 904-Griesheimer (S22)

01/16/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S104)

01/24/2008 Hearing Conducted S Commerce, Energy and the Environment Committee

EFFECTIVE: August 28, 2008

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\*\*\* SB 905 \*\*\*

4178S.011

SENATE SPONSOR: Loudon

SB 905 - This act establishes the "Regional Railroad Authorities Act." The purpose of an authority established and operated under the act is to provide for the preservation, improvement, and the continuation of rail service for agriculture, industry, or passenger traffic and to provide for the preservation of railroad right-of-way for transportation uses, when determined to be practicable and necessary for the public welfare (Section 388.703).

Under the act, every municipality or county within this state is authorized to form a regional railroad authority. A regional railroad authority may be organized by resolution or joint resolution adopted by the governing body or bodies of one or more counties. The governing body or bodies of a municipality or municipalities within a county or counties may request by resolution that the county or counties organize a railroad authority. If the county or counties do not organize an authority within ninety days of receipt of the request, the municipality or municipalities may organize an authority by resolution or joint resolution (Section 388.706).

Before final adoption of an organization resolution, the governing body shall provide for a public hearing upon notice published in a newspaper of general circulation in the county or municipality. Upon the appointment and qualification of the commissioners first appointed to a regional railroad authority, the commissioners shall submit to the secretary of state a certified copy of each resolution adopted. The Secretary of State shall issue a certificate of incorporation if the resolution conforms to the requirements of this act (Sections 388.709 and 388.712).

All powers granted to an authority shall be exercised by its board of commissioners. Commissioners shall be appointed and vacancies in their office shall be filled by the governing body of each county or municipality named in the organization resolution, in accordance with the provisions of that resolution. The term of each commissioner shall be one year, or the remainder of the one year term for which a vacancy is filled, and until a successor is appointed. Commissioners shall receive no compensation for services but shall be reimbursed for necessary expenses incurred in the performance of their duties (Section 388.715).

The authority may plan, establish, acquire, develop, construct, purchase, enlarge, extend, improve, maintain, equip, operate, regulate, and protect railroads, railroad properties and railroad facilities within its boundaries, including but not limited to terminal buildings, roadways, crossings, bridges, causeways, tunnels, equipment, and rolling stock (Section 388.721).

The authority may exercise the power of eminent domain under Chapter 523, RSMo. The authority, however, shall have no power of eminent domain with respect to property owned by another authority or political subdivision of Missouri or any other state, or with respect to property owned or used by a railroad corporation unless the federal Surface Transportation Board has found that the public convenience and necessity permit discontinuance of rail service on the property (Section 388.724).

The state of Missouri and any political subdivision may transfer to any regional railroad authority or may

place in its possession or control, by lease or other contract or agreement, either for a limited period or in fee, any property wherever situated (Section 388.727).

The authority may establish charges and rentals for the use, sale, and availability of its property and service and may hold, use, dispose of, invest, and reinvest the income, revenues, and funds derived therefrom (Section 388.730).

Every regional railroad authority may issue its negotiable revenue bonds or notes in such principal amounts as shall be necessary to provide sufficient funds for achieving its purposes, including the construction, establishment, acquisition, improvement, maintenance, protection and regulation of railroads and railroad facilities. The state shall not be liable on any notes or bonds of any regional railroad authority. No authority shall be required to pay any taxes or any assessments whatsoever to this state or to any political subdivisions, municipality or other governmental agency of this state. The notes and bonds of every authority and the income shall be exempt from any taxes and any assessments, except for death and gift taxes and taxes on transfers (Section 388.739).

The authority may enter into contracts including leases with any person, firm, or corporation, for terms the authority may determine:

- (1) Providing for the operation of any facilities on behalf of the authority, at the rate of compensation as may be determined;
- (2) Leasing a rail line for operation by the lessee or any facility or space therein for other commercial purposes, at rentals as may be determined, but no person may be authorized to operate a rail line other than as a common carrier;
- (3) Granting the privilege, for compensation as the authority shall determine, of supplying goods, commodities, services, or facilities along rail lines or in or upon other property; and
- (4) Making available services furnished by the authority or its agents, at charges, rentals, or fees which shall be reasonable and uniform for the same class of privilege or service (Section 388.742).

The act provides a method for dissolving the authority. If the governing body of any city or county that organized a regional railroad authority, votes to dissolve a regional railroad authority, it shall be dissolved effective the date of the approval of dissolution by the highways and transportation commission. In the event of dissolution of a regional railroad authority, all funds and other assets shall be distributed among the cities and counties, who were members, on a pro rata basis (Section 388.745).

STEPHEN WITTE

01/04/2008 Prefiled  
 01/09/2008 S First Read--SB 905-Loudon (S22)  
 01/16/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S104)  
 01/22/2008 Re-referred S Transportation Committee (S122)  
 02/06/2008 Hearing Scheduled S Transportation Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 906 \*\*\*

4174S.011

SENATE SPONSOR: Vogel

SB 906 - This act designates a portion of State Highway 87 in Moniteau County as the "Lance Corporal Leon B. Deraps Memorial Highway".

STEPHEN WITTE

01/07/2008 Prefiled  
 01/09/2008 S First Read--SB 906-Vogel (S22)  
 01/16/2008 Second Read and Referred S Transportation Committee (S104)  
 01/23/2008 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 907 \*\*\*

3580S.031

SENATE SPONSOR: Engler

SB 907 - This act modifies provisions relating to the regulation of motor fuel storage tanks.

The act modifies the definition of "environmental response project" for purposes of the Missouri

Environmental Covenants Act, by specifying that an environmental response project shall not include plans or work performed for environmental remediation of releases from aboveground or underground storage tanks containing petroleum.

The act removes the provision in existing law that requires termination of participation in the Underground Storage Tank Insurance Fund for owners of underground storage tanks whose tank re-registration is denied or whose tank registration is revoked by the Department of Natural Resources.

Under current law, the Petroleum Storage Tank Insurance Fund expires on December 31, 2010 or upon revocation of 40 CFR Parts 280 and 285, which are federal standards and corrective action requirements for owners of underground storage tanks. This act extends the expiration date until December 31, 2020 and removes the clause concerning revocation of federal law.

Under current law, an owner or operator of petroleum storage tanks may participate in the Petroleum Storage Tank Insurance Fund to "partially" meet the applicable financial obligations required by state law. This act removes the word "partially" to allow this participation to fully meet the financial obligation. The act additionally changes the statute reference for the financial obligations to a single section in chapter 319 and an additional section in chapter 414, which concerns aboveground storage tanks.

Under current law, the Petroleum Storage Tank Insurance Fund Board of Trustees' advisory committee is composed of insurers and owners and operators of petroleum storage tanks. This act allows other interested parties to also serve on the committee. The requirement that the committee report to the General Assembly on the status of private insurance for fuel storage tanks is changed from "annually" to "every 4 years" or "upon the written request of the Speaker of the House and the President Pro Tem of the Senate," whichever occurs first.

The act provides that after December 31, 2017, the current legal owner of a site where an aboveground or underground storage tank was taken out of use prior to December 31, 1997 shall be considered the responsible party for cleanup of any petroleum contamination.

Under current law, each participant in the Petroleum Storage Tank Insurance Fund shall pay a per-tank fee each year in an amount of at least \$100 but not greater than \$300. This act raises the maximum from \$300 to \$500. The Board of Trustees for the Fund is given authority to promulgate rules that require new applicants to conduct site assessments prior to participating in the Fund. The Board may also require new applicants to pay a surcharge up to \$500 per tank per year for each year after which the tank was eligible for coverage by the Fund.

An underground storage tank is ineligible to receive petroleum if certain spill prevention, overfill protection, leak detection, or corrosion prevention equipment have not been installed.

The act requires the Department of Natural Resources to affix a red violation tag to any underground storage tank that it determines to be ineligible to receive petroleum and the Department must notify the owner or operator of the tank of its action within 14 days. No person shall deposit petroleum in any tank with a red violation tag and removal of the tag is prohibited except in certain circumstances.

Upon the receipt of documentation from the tank owner or operator that satisfactorily indicates resolution of the problem, the Department must immediately authorize the removal of the violation tag. If the Department determines that an inspection is needed before issuing approval to remove the tag, the inspection must be conducted within 24 hours of receiving notification from the tank owner or operator. If the Department does not conduct its inspection in that time period, the owner or operator may remove the violation tag and return the tag to the Department in a pre-paid envelope provided by the Department.

Tank owners or operators may appeal any decision by the Department to the circuit court or Administrative Hearing Commission.

The act requires that after December 31, 2010, owners or operators of aboveground storage tanks containing petroleum shall maintain evidence of financial responsibility in an amount sufficient to cover at least \$1 million per occurrence of a spill, up to \$2 million annually in aggregate, to pay for corrective action, third-party bodily injury compensation, and property damage. Participation in the Petroleum Storage Tank Insurance Fund is sufficient to meet this requirement. The Department of Agriculture shall promulgate rules for this requirement.

Provisions of this act are similar to provisions in SB 601 (2007).

ERIKA JAQUES

01/07/2008 Prefiled

01/09/2008 S First Read--SB 907-Engler and Gibbons (S22)

01/16/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S105)

02/07/2008 Hearing Scheduled S Commerce, Energy and the Environment Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 908 \*\*\*

4160S.011

SENATE SPONSOR: Engler

SB 908 - Under current law, the Secretary of State is required to prepare and publish 40,000 copies of the Missouri manual, commonly known as the "Blue Book". This act removes this requirement and instead requires the Secretary of State to electronically publish the manual on the Secretary of State's official website.

CHRIS HOGERTY

01/07/2008 Prefiled

01/09/2008 S First Read--SB 908-Engler (S22)

01/16/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S105)

01/28/2008 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 909 \*\*\*

4169S.011

SENATE SPONSOR: Engler

SCS/SBs 909, 954, 934 & 1003 - This act imposes certain requirements upon petition circulators.

Under this act, circulators must be U.S. citizens and Missouri residents.

Circulators shall not be paid on a per signature basis, receive signatures by mail or via the internet, or circulate more than one petition at a time. Circulators shall submit to the Secretary of State, information affirming the fulfillment of all requirements before collecting signatures. Those who have committed forgery are prohibited from circulating petitions.

This act is similar to SB 598 (2007), SB 934 (2008), SB 1003 (2008), and SB 954 (2008).

CHRIS HOGERTY

01/07/2008 Prefiled

01/09/2008 S First Read--SB 909-Engler (S22)

01/16/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S105)

01/28/2008 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

02/04/2008 SCS Voted Do Pass (SCS/SBs 909, 954, 934 & 1003) S Financial & Governmental Organizations and Elections Committee (4169S.05C)

EFFECTIVE: August 28, 2008

\*\*\* SB 910 \*\*\*

3849S.011

SENATE SPONSOR: Graham

SB 910 - This act requires every health spa registered with the office of the Attorney General to have at least one automated external defibrillator on the premises. The act requires the defibrillator to at all times be deployed in a manner consistent with the requirements prescribed under current law and to have at least one employee per shift trained on the use of the defibrillator. This act provides an exception for those health spas where there are no employees staffing the spas.

This act is similar to SB 57 (2007).

ADRIANE CROUSE

01/07/2008 Prefiled

01/09/2008 S First Read--SB 910-Graham (S22)  
 01/16/2008 Second Read and Referred S Seniors, Families and Public Health Committee (S105)  
 02/05/2008 Hearing Conducted S Seniors, Families and Public Health Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 911 \*\*\*

3525S.011

SENATE SPONSOR: Engler

SB 911 – This act modifies the number of school days that a school district must make up as a result of inclement weather. When a school district has cancelled or lost five consecutive school days due to inclement weather and is located in an area declared a disaster area by the Governor, the school district's board of education will have discretion to reduce the number of those days to be made up.

MICHAEL RUFF

01/07/2008 Prefiled  
 01/09/2008 S First Read--SB 911-Engler (S23)  
 01/16/2008 Second Read and Referred S Education Committee (S105)  
 01/30/2008 Hearing Scheduled But Not Heard S Education Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 912 \*\*\*

4121S.011

SENATE SPONSOR: Engler

SB 912 - This act creates the crime of murder of a criminal justice official in the first degree. A person commits such crime if, after deliberation upon the matter, he or she knowingly causes the death of a criminal justice official and:

- 1) The official was engaged in his or her lawful duties; or
- 2) The person knowingly caused the death of such official because of his or her status.

Murder of a criminal justice official in the first degree is a felony punishable by death unless the jury finds mitigating circumstances sufficient to justify a sentence of life imprisonment without eligibility for probation, parole, or conditional release. A "criminal justice official" includes a peace officer, prosecuting attorney, judge, jailer, or corrections personnel.

A trial for murder of a criminal justice official in the first degree shall be conducted according to the laws applicable to murder in the first degree.

The crimes of assault of a law enforcement officer, emergency personnel, or probation or parole officer in the first degree, second degree, and third degree respectively, are expanded to include corrections personnel.

No person who pleads guilty to or is found guilty of assault of a law enforcement officer, emergency personnel, or corrections personnel in the first degree may be granted a suspended imposition of sentence or suspended execution of sentence or may be sentenced to pay a fine.

"Corrections personnel" is defined as any employee of a correctional center or any person assigned to work in a correctional center, probation and parole officer, or any jailer.

This act is similar to SB 685 (2007).

SUSAN HENDERSON MOORE

01/07/2008 Prefiled  
 01/09/2008 S First Read--SB 912-Engler (S23)  
 01/16/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S105)

EFFECTIVE: August 28, 2008

\*\*\* SB 913 \*\*\*

3924S.011

SENATE SPONSOR: Bray

SB 913 - This act creates statutory warranties for home buyers and homeowners and also prevents home

solicitors from engaging in certain deceptive practices.

This act prohibits certain unfair or deceptive practices relating to home improvement loans to the consumer. It prohibits home solicitations where a home improvement loan is made encumbering the person's home to pay the loan and where the practice violates federal law. Violation of this provision constitutes a Class A misdemeanor.

Three new-home warranties are created by this act. The first covers new homes against faulty workmanship and defective materials due to noncompliance with building standards for a three-year period. The second warranty covers new homes against faulty installation of plumbing, electrical, heating and cooling systems for a five-year period. The third warranty covers the home against major construction defects (foundation) for a ten-year period. These warranties are extended to subsequent purchasers of the home.

The act also creates three warranties for home improvement work. Home improvement contractors must warrant that the improvements made will be free from defects caused by faulty workmanship and defective materials due to noncompliance with building standards for a two-year period. Contractors must guarantee that the home improvement will be free from major construction defects for a ten-year period.

Improvements involving plumbing, electrical, heating and cooling systems must be guaranteed to be free from defects for a period of two years.

If a home vendor or a home improvement contractor violates these implied warranties then the homeowner may bring a cause of action against the violator for actual damages. The court shall also award the homeowner court costs and reasonable attorney fees. If the breach of the warranties was willful or deceitful, the court may also assess punitive damages.

This act is similar to SB 123 (2007) and SB 1170 (2006).

ERIKA JAQUES

01/08/2008 Prefiled

01/09/2008 S First Read--SB 913-Bray (S23)

01/16/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S105)

EFFECTIVE: August 28, 2008

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\*\*\* SB 914 \*\*\*

3927S.011

SENATE SPONSOR: Bray

SB 914 - This act creates the Healthy Pet Act.

Pet dealers are required to have their dogs and cats examined by a licensed veterinarian no greater than 30 days prior to sale. The act requires that pet dealers provide a written statement to the purchaser of any dog or cat containing certain facts about the animal's birth, breeding, physical traits, and medical history. The written statement shall also include a statement signed by both the pet dealer and the purchaser that the animal has no known disease, illness, or adverse health condition or the statement shall alternatively disclose any known disease, illness or adverse health condition.

The act requires pet dealers to maintain certain records for up to 12 months following the date of sale of any dog or cat.

Pet dealers are prohibited from selling any dog or cat with any obvious clinical sign of an infectious, contagious, parasitic, or communicable disease or with any condition for which hospitalization or nonelective surgery is required.

Individuals who unknowingly purchase a sick dog or cat are entitled to a remedy from the pet dealer when: within 20 days of the purchase, a licensed veterinarian states in writing that the animal suffers from or has died from a condition that existed on or before the date of purchase; or within 2 years of the purchase, a licensed veterinarian states in writing that the animal possesses or has died from a congenital or hereditary condition for which hospitalization or nonelective surgery was required. Available remedies to the purchaser of such a sick dog or cat are provided in the act.

In order to receive a remedy, a purchaser of a sick dog or cat must, within 10 days of receiving the veterinarian's diagnosis, notify the pet dealer and provide a written statement from the veterinarian to the pet

dealer. The act lists certain information that must be included in the veterinarian's statement.

Remedies are not required to be provided by a pet dealer to a purchaser of a sick dog or cat if: the illness or death of the pet resulted from maltreatment by the purchaser or from an event that occurred after the pet's purchase from the dealer; the purchaser did not administer veterinarian-recommended treatment for the illness (except when the cost of treatment plus the exam fee exceeds the pet's purchase price); the pet's illness or condition was disclosed at time of purchase; or if the purchaser does not return all registration documents to the pet dealer if the pet is returned for refund or exchange.

If a pet dealer disputes a purchaser's request for a remedy under this act, the pet dealer can have the animal examined by a licensed veterinarian of his or her choosing.

The act requires pet dealers to post a statement about consumers rights under this act and specifies requirements for the size and wording of the notification. Pet dealers and purchasers of dogs and cats are also required to sign a statement at the time of purchase that the purchaser was provided notification of his or her rights under this act. The act requires certain additional notification provided to purchasers of pets sold as being "registered" or able to be registered.

The act does not limit any authority under other laws.

Pet dealers who advertise any animal as being registered or able to be registered with an animal registering organization shall provide the purchaser of any such animal the appropriate registration documents within 120 days of the date of purchase.

ERIKA JAQUES

01/08/2008 Prefiled

01/09/2008 S First Read--SB 914-Bray (S23)

01/16/2008 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S105)

EFFECTIVE: August 28, 2008

\*\*\* SB 915 \*\*\*

3980S.011

SENATE SPONSOR: Ridgeway

SB 915 - This act modifies the definition of "health care professional", for purposes of determining who is subject to peer review, to include physical therapists, emergency medical technicians and emergency medical dispatchers. The act provides that a peer review committee may be comprised of members appointed by a board of trustees or chief executive officer of a licensed ambulance service, a licensed emergency medical response agency, or any not-for-profit organization that provides for ambulance services, as long as the governing body of such not-for-profit organization consists of elected officials or individuals appointed by a mayor, board of alderman, city council, county commission, county legislature, or ambulance district. A committee may also be comprised of members appointed by a mayor, city council, board of alderman, county commission, county legislature, or ambulance district. This act also provides immunity from civil liability for members of a peer review committee that performs certain acts at the recommendation of the committee.

This act is identical to SCS/SB 841 (2006) and SB 173 (2007).

ALEXA PEARSON

01/08/2008 Prefiled

01/09/2008 S First Read--SB 915-Ridgeway (S23)

01/16/2008 Second Read and Referred S Seniors, Families and Public Health Committee (S105)

EFFECTIVE: August 28, 2008

\*\*\* SB 916 \*\*\*

4188S.011

SENATE SPONSOR: Goodman

SB 916 - This act requires hospitals to report whenever they have a "serious reportable event in health care," as identified by the National Quality Forum. Such events include wrong-site surgery, retention of a foreign object in a patient after surgery, and death or serious disability associated with medication error.

The procedure for hospitals reporting such events to the Department of Health and Senior Services and to a patient safety organization are prescribed in the act. The requirements for a patient safety organization

are also prescribed in the act. The patient-identifying data shall be redacted from information provided to the department or patient safety organization. The initial report of the event shall be reported to the patient safety organization and include a description of immediate actions taken by the hospital to minimize the risk of harm to patients and prevent reoccurrence. Within 45 days after the event occurred, the hospital shall submit to the patient safety organization a root cause analysis and a prevention plan, which shall be forwarded to the department.

The department shall investigate the reportable incident and based on its findings, determine whether the hospital's response and proposed prevention plan is sufficient to reduce the risk of future occurrences of that type. The department shall also periodically evaluate the performance of the patient safety organization regarding report submission processes and its reviews of prevention plans. The act also prescribes the procedure for the department when taking action on insufficient prevention plans.

If a reportable incident is disclosed to the department and patient safety organization and the prevention plan and root cause analysis is submitted and approved by the department, the incident shall not be deemed grounds for a finding of a licensure deficiency. The department shall promulgate rules establishing criteria for defining cases in which reportable incidents have occurred in a hospital with a frequency or possible pattern of adverse outcomes as to necessitate departmental intervention.

The patient safety organization shall in collaboration with the department publish an annual report to the public on reportable incidents. The report shall show the number and rate per patient encounter by region and by category of reportable incident and may identify reportable incidents by type of facility.

This act provides for certain legal protections of patient safety organization documents. The proceedings and records of the organization shall not be subject to discovery or introduction into evidence in any civil action against a provider. However, information otherwise available from original sources shall not be immune from discovery or use in any civil action if they were presented during a patient safety organization meeting. Patient safety work product shall be privileged and confidential and shall not be disclosed for any purpose.

Any hospital that reports a reportable incident shall not charge for or bill any entity for all services related to the reportable incident.

This act is similar to SB 578 (2007).

ADRIANE CROUSE

01/08/2008 Prefiled

01/09/2008 S First Read--SB 916-Goodman (S23)

01/16/2008 Second Read and Referred S Health and Mental Health Committee (S105)

EFFECTIVE: August 28, 2008

\*\*\* SB 917 \*\*\*

3629S.031

SENATE SPONSOR: Goodman

SB 917 - This act licenses prescribing psychologists and confers the authority to prescribe certain medications and test blood and urine to monitor treatment. Licensees shall not be allowed to order electro-convulsive therapy.

As a prerequisite to licensure a licensee must:

- Complete 400 hours of didactic educational instruction.
- Complete a 1 year supervised fellowship with a full-time caseload of patients and provide medication management, psychological evaluations, and therapeutic services.
- Pass a national exam.
- Maintain medical liability insurance.

Licensees shall prescribe under a collaborative practice agreement for the first year of licensure. After the first year of licensure the licensee shall maintain a referral agreement with a physician to provide for the diagnosis and treatment of medical conditions.

This act is similar to HB 350 (2007), and SB 701 (2007).

CHRIS HOGERTY

01/08/2008 Prefiled  
 01/09/2008 S First Read--SB 917-Goodman, et al (S23)  
 01/16/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S105)  
 02/04/2008 Hearing Conducted S Financial & Governmental Organizations and Elections Committee  
 EFFECTIVE: August 28, 2008

\*\*\* SB 918 \*\*\*

4181S.021

SENATE SPONSOR: Goodman

SB 918 - Under this act, the MO HealthNet program shall not require prior authorization, step therapy, generic substitution, or quantity limits for immunosuppressive drugs without express written or oral notification and the documented consent of the health care professional and the patient.

ADRIANE CROUSE

01/08/2008 Prefiled  
 01/09/2008 S First Read--SB 918-Goodman (S23)  
 01/16/2008 Second Read and Referred S Seniors, Families and Public Health Committee (S105)

EFFECTIVE: August 28, 2008

\*\*\* SB 919 \*\*\*

3970S.031

SENATE SPONSOR: Rupp

SB 920 - Under this act, shippers shipping radioactive waste in Missouri shall be subject to statutory fees established by the act. State-funded institutions of higher education who ship nuclear waste shall be exempt from the statutory fees but such institutions shall reimburse the Missouri Highway Patrol for costs associated with shipment escorts. The fee structure is described in the act and the Department of Natural Resources in coordination with the Departments of Health and Senior Services, and Public Safety may promulgate rules necessary to carry out the provisions of the act.

Any shipper who fails to pay a fee or to provide notice of a shipment to the Department of Natural Resources shall be liable for a civil penalty of an amount not to exceed ten times the amount of the original fee assessed and not paid.

The fees assessed and collected under the act shall be deposited into the environmental radiation monitoring fund. The department of natural resources may use moneys in the fund for the purposes delineated in the act.

The act requires the Department of Natural Resources to prepare a report for the General Assembly beginning December 31, 2008, and every two years thereafter on all activities relating to the environmental radiation monitoring fund.

The provisions of this act do not apply to radioactive waste being shipped by or for the federal government for military or national defense purposes.

The act shall sunset six years after the effective date of the section unless reauthorized by the General Assembly.

This act is similar to SB 205 (2007) and SB 976 (2006).

STEPHEN J. WITTE

01/08/2008 Prefiled  
 01/09/2008 S First Read--SB 919-Rupp (S23)  
 01/16/2008 Second Read and Referred S Transportation Committee (S105)

EFFECTIVE: August 28, 2008

\*\*\* SB 920 \*\*\*

4223S.011

SENATE SPONSOR: Rupp

SB 920 - This act requires all television stations located in the state with gross revenues in excess of

three million dollars a year to provide real-time captioning of all local news, weather, and sports programming by January 1, 2009. Such stations may limit their expenditures for the captioning to two percent of their annual gross revenues.

ADRIANE CROUSE

01/08/2008 Prefiled

01/09/2008 S First Read--SB 920-Rupp (S23)

01/16/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S105)

EFFECTIVE: August 28, 2008

\*\*\* SB 921 \*\*\*

4187S.011

SENATE SPONSOR: Goodman

SB 921 - This act adds coverage under the state legal expense fund for any physician, nurse, physician assistant, dental hygienist or dentist who provides uncompensated primary care or preventive medical, nursing or dental services within the scope of his or her license or registration at a summer camp.

ALEXA PEARSON

01/08/2008 Prefiled

01/09/2008 S First Read--SB 921-Goodman (S23)

01/16/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S105)

EFFECTIVE: August 28, 2008

\*\*\* SB 922 \*\*\*

3990S.011

SENATE SPONSOR: Goodman

SB 922 - Under this act, a person commits the crime of making a false declaration by providing a verbal false statement regarding his or her identity that he or she believes or knows not to be true with the purpose of misleading a public servant. Making a false declaration is a Class B misdemeanor.

SUSAN HENDERSON MOORE

01/08/2008 Prefiled

01/09/2008 S First Read--SB 922-Goodman (S23)

01/16/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S105)

01/28/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 923 \*\*\*

4257S.011

SENATE SPONSOR: Shoemyer

SB 923 - This act modifies the membership of the MO HealthNet Oversight Committee by adding a licensed optometrist.

ADRIANE CROUSE

01/09/2008 S First Read--SB 923-Shoemyer (S25)

01/16/2008 Second Read and Referred S Health and Mental Health Committee (S105)

01/29/2008 Hearing Scheduled But Not Heard S Health and Mental Health Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 924 \*\*\*

4254S.011

SENATE SPONSOR: Koster

SB 924 - This act creates a state and local sales tax exemption for sales of new motor vehicles assembled and sold in this state.

JASON ZAMKUS

01/09/2008 S First Read--SB 924-Koster (S25)

01/16/2008 Second Read and Referred S Ways & Means Committee (S105)

EFFECTIVE: August 28, 2008

\*\*\* SB 925 \*\*\*

3978S.011

SENATE SPONSOR: Days

SB 925 – This act allows school districts to maintain permanent records in a digital or electronic format. School districts must follow the manufacturer's guidelines, suggestions, and recommendations when using digital or electronic storage media and must not use them beyond the manufacturer suggested or recommended period of time.

MICHAEL RUFF

01/10/2008 S First Read--SB 925-Days (S68)

01/16/2008 Second Read and Referred S Education Committee (S105)

02/06/2008 Hearing Scheduled S Education Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 926 \*\*\*

3736S.011

SENATE SPONSOR: Green

SB 926 - Monetary contributions shall not be made from any political party committees to any candidate committees, continuing committees, or political party committees. Candidate committees are not limited from making contributions to other committees.

Under the act, staff members of the leadership offices in the House and Senate must file financial interest statements.

The treasurer and deputy treasurer of all committees shall reside in the district or county in which the committee sits.

Legislative and senatorial district committees shall retain only one address in the district in which it sits for the purpose of receiving contributions.

The act requires out-of-state committees that make contributions in support of or against candidates or issues in elections to report the names of its contributors even when the contributions originally made to the out-of-state committee were not made specifically to influence any particular election.

Current law imposes a penalty of twice the amount of the contribution or expenditure that is incorrectly reported up to \$5,000. This act removes the \$5,000 cap and imposes a penalty equal to the amount of the contribution for failing to file or filing incomplete reports.

This act is similar to SB 183 (2007), SB 263 (2007), and HB 1900 (2006).

CHRIS HOGERTY

01/10/2008 S First Read--SB 926-Green (S69)

01/16/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S105)

EFFECTIVE: August 28, 2008

\*\*\* SB 927 \*\*\*

3366S.011

SENATE SPONSOR: Green

SB 927 - This act bars employers from employing or subcontracting with any illegal alien on any publicly funded project. If an employer employs an illegal alien for a public project, the employer shall be fined ten dollars per individual per day during which the illegal alien was employed, and the employer shall not be permitted to bid on any publicly funded project for ten years from the violation.

Under current law, during a period of excessive unemployment in the state, only Missouri laborers or laborers from nonrestrictive states may be employed for public projects. This act provides a penalty of fifty dollars per day for each nonqualifying laborer employed during such periods to be imposed on employers who engage in such a practice.

This act is substantially similar to SB 334 (2005), SB 988 (2006), and SB 180 (2007).

CHRIS HOGERTY

01/10/2008 S First Read--SB 927-Green and Callahan (S69)

01/16/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S105)

EFFECTIVE: August 28, 2008

\*\*\* SB 928 \*\*\*

3987S.011

SENATE SPONSOR: Green

SB 928 - This act removes the provision that requires the Public Service Commission to annually study the economic impact of section 392.410, RSMo, and submit a report to the General Assembly by the end of each calendar year. Section 392.410, RSMo, concerns the issuing of certificates of service authority for telecommunications service and limitations on the provision of telecommunications service by political subdivisions.

This act is similar to HB 1426 (2007).

ERIKA JAQUES

01/10/2008 S First Read--SB 928-Green (S69)

01/16/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S105)

EFFECTIVE: August 28, 2008

\*\*\* SB 929 \*\*\*

3452S.011

SENATE SPONSOR: Green

SB 929 - The act bars employers with 5 or more employees from knowingly misclassifying employees. Employers must submit federal IRS 1099-MISC forms to the Department of Revenue and penalties for failing to do so are provided. The Attorney General has the power to investigate alleged misclassifications and enforce the section.

The state carries the burden of proving that the employer misclassified the worker and there is a rebuttable presumption that an unauthorized alien is an employee under the act and shall be treated so if the employer cannot produce an I-9 form verifying the legal status of the worker or other forms verifying the individual is an independent contractor. Injunctions may be sought and employers shall be charged \$50 per day per misclassified worker up to a maximum of \$50,000 for violations. Penalties are increased for repeat offenders in an amount of \$100 per day per misclassified worker up to \$100,000.

This act is similar to SB 928 (2006), SB 424 (2007), and SB 178 (2007).

CHRIS HOGERTY

01/10/2008 S First Read--SB 929-Green and Callahan (S69)

01/16/2008 Second Read and Referred S Small Business, Insurance &amp; Industrial Relations Committee (S105)

02/05/2008 Hearing Conducted S Small Business, Insurance &amp; Industrial Relations Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 930 \*\*\*

4251S.011

SENATE SPONSOR: Stouffer

SB 930 - This act removes the cap on the amount of jet fuels sales taxes that can be deposited into the State Aviation Trust Fund. Under current law, only \$6 million generated from jet fuel sales taxes may be deposited to the credit of the Aviation Trust Fund (Section 144.805).

This act allows \$2 million from the Aviation Trust Fund to be used for the study or promotion of expanded scheduled commercial service, for the study or promotion of intrastate scheduled commercial service, or to assist airport sponsors participating in a federally funded air service program supporting intrastate scheduled commercial service. The act further requires that there must have been at least \$6 million deposited in the fund in the previous calendar year before aviation trust funds can be utilized for these purposes (Section 305.230).

This act allows moneys in the Aviation Trust Fund to be used to assist communities to match federal air traffic control tower cost-share program grants. Under the act, up to \$500,000 per year may be used on a ratio of 50% state/50% local to meet the non-federal match requirement. No more than \$100,000 per year may be used for any individual air traffic control tower (section 305.230).

STEPHEN J. WITTE

01/10/2008 S First Read--SB 930-Stouffer (S69)

01/16/2008 Second Read and Referred S Governmental Accountability &amp; Fiscal Oversight Committee (S105)

EFFECTIVE: August 28, 2008

\*\*\* SB 931 \*\*\*

4116S.011

SENATE SPONSOR: Purgason

SB 931 - This act prohibits the Missouri Department of Agriculture from participating in the U.S. Department of Agriculture's National Animal Identification System (NAIS) program unless the Department is specifically authorized to do so in statute by the General Assembly.

Nothing in the act restricts the Department from participating in any voluntary or private animal identification program that verifies the health of Missouri livestock for certain purposes.

Any voluntary animal identification program administered by the Department must: (1) provide all relevant program information to participants; (2) allow participants to withdraw from the program at any time and have their information expunged; and (3) not be required for Missouri cattle or any other species of livestock.

It shall not be considered a crime or evidence of negligence for an individual to not participate in an animal identification program or for an individual to provide services to a person who does not participate in an animal identification program.

Participation in a premises identification or property identification shall not be required in order to participate in a state-sponsored activity for which state funds are used.

The Department of Agriculture shall henceforth refer to "premises identification" as "property identification."

This act is similar to SB 428 (2007) and HB 478 (2007).

ERIKA JAQUES

01/10/2008 S First Read--SB 931-Purgason (S69)

01/16/2008 Second Read and Referred S Agriculture, Conservation, Parks &amp; Natural Resources Committee (S105)

01/22/2008 Hearing Conducted S Agriculture, Conservation, Parks &amp; Natural Resources Committee

02/05/2008 SCS Voted Do Pass S Agriculture, Conservation, Parks &amp; Natural Resources Committee (4116S.05C)

EFFECTIVE: August 28, 2008

\*\*\* SB 932 \*\*\*

3601S.011

SENATE SPONSOR: Loudon

SB 932 - This act allows grant money distributed by the Department of Public Safety to investigate Internet sex crimes against children to be used to fund training for prosecuting and circuit attorneys. Currently, the grant money can only be used for other purposes, including training law enforcement personnel.

SUSAN HENDERSON MOORE

01/10/2008 S First Read--SB 932-Loudon (S69)

01/16/2008 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S105)

EFFECTIVE: August 28, 2008

\*\*\* SB 933 \*\*\*

4186S.011

SENATE SPONSOR: Loudon

SB 933 - This act makes attempted sexual misconduct involving a child a Class D felony in the same manner as committing sexual misconduct involving a child.

Under this act, attempting to furnish pornographic materials to a minor is a Class A misdemeanor in the same manner as actually furnishing the materials to a minor. It is not an affirmative defense to prosecution that the person being furnished the pornographic material is a peace officer masquerading as a minor.

SUSAN HENDERSON MOORE

01/10/2008 S First Read--SB 933-Loudon (S69)

01/16/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S105)

02/04/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 934 \*\*\*

4205S.011

SENATE SPONSOR: Dempsey

SB 934 - Initiative petition circulators shall not be paid on a per-signature basis.

This act is similar to HB 683 (2007) and SB 598 (2007).

CHRIS HOGERTY

01/10/2008 S First Read--SB 934-Dempsey (S69)

01/16/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S105)

01/28/2008 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

02/04/2008 Bill Combined (SCS/SBs 909, 954, 934 & 1003)

EFFECTIVE: August 28, 2008

\*\*\* SB 935 \*\*\*

4385S.021

SENATE SPONSOR: Griesheimer

SCS/SB 935 - Under this act, the sheriff shall receive an additional \$10 fee for service of any civil summons, writ, subpoena or other court order. The money received by the sheriff shall be collected by the county treasurer and made payable to the state treasurer.

The money paid to the State Treasurer shall be deposited into the newly created "Deputy Sheriff Salary Supplementation Fund". The money shall be used only to supplement the salaries of county deputy sheriffs. The Missouri Sheriff Methamphetamine Relief Taskforce (MoSMART), housed within the Department of Public Safety shall administer the fund.

SUSAN HENDERSON MOORE

01/14/2008 S First Read--SB 935-Griesheimer, et al (S80)

01/16/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S105)

01/23/2008 Hearing Conducted S Economic Development, Tourism & Local Government Committee

01/30/2008 SCS Voted Do Pass S Economic Development, Tourism & Local Government Committee (4385S.05C)

EFFECTIVE: August 28, 2008

\*\*\* SB 936 \*\*\*

4362S.011

SENATE SPONSOR: Griesheimer

SB 936 - This act modifies the state emissions law to allow motorists to operate their vehicle for 30 days beyond the vehicle's registration expiration without a current state registration license for the purposes of resetting their vehicle's readiness monitors and passing the on-board diagnostic (OBD) retest. Motorists must keep a copy of the most recent failing OBD test results in their vehicle to present to law enforcement. Motorists would still be liable for late registration penalties.

STEPHEN WITTE

01/14/2008 S First Read--SB 936-Griesheimer (S80)

01/16/2008 Second Read and Referred S Transportation Committee (S105)

01/23/2008 Hearing Conducted S Transportation Committee

01/30/2008 Voted Do Pass S Transportation Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 937 \*\*\*

4094S.041

SENATE SPONSOR: Shoemyer

SB 937 - This act allows utility vehicles to be operated upon highways within the state beginning January 1, 2009. Utility vehicles may not be operated upon interstate highways. A person who operates a utility vehicle upon an interstate highway shall be guilty of a Class C misdemeanor. Operators of utility vehicles must possess a driver's license in order to operate the vehicle upon a highway. In order to operate a utility vehicle upon a highway in Missouri, the utility vehicle must be registered with the Department of Revenue. The annual registration fee for a utility vehicle is \$15. Utility vehicles shall be exempt from motor vehicle safety inspections and emissions inspections. Utility vehicle operators shall maintain financial responsibility on such vehicles.

STEPHEN WITTE

01/14/2008 S First Read--SB 937-Shoemyer (S80)

01/16/2008 Second Read and Referred S Transportation Committee (S105)

EFFECTIVE: August 28, 2008

\*\*\* SB 938 \*\*\*

3606S.031

SENATE SPONSOR: Shoemyer

SB 938 - Department of Corrections custody personnel, including corrections officers I, II, or III and corrections supervisors I or II, shall be eligible for a specific pay parameter based on the hazards of such jobs, years of service, and a twenty-four-hour seven-day-a-week staffing requirement. The personnel advisory board shall be authorized to establish such a pay parameter, and any other pay adjustments, necessary to maintain a stable work force. Such pay parameters and adjustments shall be in addition to salary adjustments as appropriated by the General Assembly.

SUSAN HENDERSON MOORE

01/14/2008 S First Read--SB 938-Shoemyer (S80)

01/16/2008 Second Read and Referred S Financial &amp; Governmental Organizations and Elections Committee (S105)

EFFECTIVE: August 28, 2008

\*\*\* SB 939 \*\*\*

4250S.011

SENATE SPONSOR: Stouffer

SB 939 - Currently, the board of supervisors of a levee district must levy a uniform tax of not more than one dollar per acre upon each acre of land and each mile of right-of-way of all public service corporations within such district. The tax is used to pay expenses incurred before the board is empowered to levy a property tax under Section 245.180, RSMo. This act would require a levee district to levy such a tax for not more than eight dollars.

SUSAN HENDERSON MOORE

01/14/2008 S First Read--SB 939-Stouffer (S80)

01/16/2008 Second Read and Referred S Agriculture, Conservation, Parks &amp; Natural Resources Committee (S105)

EFFECTIVE: August 28, 2008

\*\*\* SB 940 \*\*\*

4338S.011

SENATE SPONSOR: McKenna

SB 940 - The act defines responsible persons for the purposes of tax liability for limited liability companies. The act eliminates certain duplicate filing requirements for articles of acceptance, articles of merger, and resignation of agents for nonprofit corporations.

If the general partners of a limited partnership withdraw and the remaining partners decide to continue the partnership, the act allows a new general partner to sign the certificate of amendment and attest to the specific event of withdrawal.

This act is identical to SB 214 (2007).

CHRIS HOGERTY

01/14/2008 S First Read--SB 940-McKenna (S81)  
01/16/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S106)

EFFECTIVE: August 28, 2008

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\*\*\* SB 941 \*\*\*

4061S.011

SENATE SPONSOR: Clemens

SB 941 - This act modifies the definition of livestock in terms of what is considered a punishable offense for stealing. Under current law, it is a Class C felony to steal a horse, mule, ass, cattle, swine, sheep, or goat. This act adds calves, ratite birds (which include ostrich and emu), farm-raised fish, llamas, alpaca, buffalo, elk, and rabbits to the list of livestock for which it is a Class C felony to steal.

The act makes it a Class C felony to steal farm-raised quail or pheasant, but it shall be a Class B felony if the value of the stolen quail or pheasants exceeds \$3,000.

Any person who pleads guilty to or is found guilty of stealing livestock, quail, or pheasants valued at over \$3,000 and who has a prior conviction for stealing livestock, quail, or pheasants shall serve at least 80% of his or her prison sentence before being eligible for probation, parole, or release.

This act is identical to SCS/SB 473 (2007) and similar to SCS/SB 1100 (2006).

ERIKA JAQUES

01/15/2008 S First Read--SB 941-Clemens (S86)  
01/16/2008 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S106)

EFFECTIVE: August 28, 2008

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\*\*\* SB 942 \*\*\*

3956S.031

SENATE SPONSOR: Clemens

SB 942 - This act modifies provisions pertaining to the Large Animal Veterinary Medicine Loan Repayment Program and the Large Animal Veterinary Student Loan Program.

The act adds the requirement that permanent residency be "lawful" as a criteria for the eligibility standards applicable to participants in the Large Animal Veterinary Medicine Loan Repayment Program.

Currently, eligible veterinary students at the University of Missouri may be awarded up to \$80,000 worth of student loans for veterinary school. This act specifies that no more than \$20,000 may be awarded per academic year.

Under current law, the Department of Agriculture can forgive loans made through the Large Animal Veterinary Student Loan Program in exchange for large animal veterinary service in under-served parts of the state. This act places a dollar limit of \$20,000 as the maximum amount that may be forgiven by the Department per year of qualified service. The act also directs the Department of Agriculture to specify terms and conditions of loan forgiveness and repayment in the loan contract.

Under current law, a loan recipient is required to begin repayment within one year of completing the veterinary degree program unless the individual fulfills the qualified service requirement. The act requires a loan recipient who fails to meet the qualified service requirement to begin repayment within 6 months of the first day on which he or she did not meet the service requirement.

The act allows the Department to grant a loan deferment to anyone who is on active duty in any branch of the U.S. armed forces.

The act reorganizes the sections pertaining to the Large Animal Veterinary Student Loan Program.

ERIKA JAQUES

01/15/2008 S First Read--SB 942-Clemens (S86)  
01/16/2008 Second Read and Referred S Education Committee (S106)

EFFECTIVE: August 28, 2008

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\*\*\* SB 943 \*\*\*

4179S.011

SENATE SPONSOR: Clemens

SB 943 - Under Sections 305.400 to 305.410 (Airport Zoning Law), cities, towns and villages are prohibited from annexing land located within an airport zone in Greene County. This prohibition does not apply to the city of Springfield which owns the airport. Under this act, a city, town or village may annex land within an airport zone if it enters into an agreement with the City of Springfield to adopt Springfield's airport zoning ordinance and agrees to enforce and administer such ordinance. If the city, town or village fails to enforce Springfield's airport zoning ordinance, then such political subdivisions shall be subject to various legal remedies (injunction, quo warranto, mandamus, etc.).

Under the act, the powers of the board of adjustment may be vested in a board consisting of members from Springfield and members from the city, town or village annexing land located within the airport zone. The concurring vote of eight members of the board is necessary to reverse administrative official decisions or to approve ordinance variations.

STEPHEN WITTE

01/15/2008 S First Read--SB 943-Clemens (S86)

01/16/2008 Second Read and Referred S Economic Development, Tourism &amp; Local Government Committee (S106)

01/30/2008 Hearing Conducted S Economic Development, Tourism &amp; Local Government Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 944 \*\*\*

4301S.011

SENATE SPONSOR: Engler

SCS/SB 944 - Under current law, the State Auditor is paid ten cents for each \$100 of the face value of bonds registered. This act requires that the Auditor be paid \$500 for bond issuances up to \$10 million, \$1,000 for bond issuances over \$10 million up to \$35 million, and \$1,500 for bond issuances greater than \$35 million. These fees shall be adjusted annually to reflect the percentage increase in the previous years general price level as measured in the Consumer Price Index.

This act contains an emergency clause.

CHRIS HOGERTY

01/15/2008 S First Read--SB 944-Engler, et al (S86)

01/16/2008 Second Read and Referred S Financial &amp; Governmental Organizations and Elections Committee (S106)

01/28/2008 Hearing Conducted S Financial &amp; Governmental Organizations and Elections Committee

02/04/2008 SCS Voted Do Pass S Financial &amp; Governmental Organizations and Elections Committee (4301S.02C)

EFFECTIVE: Emergency Clause

\*\*\* SB 945 \*\*\*

4305S.011

SENATE SPONSOR: Green

SB 945 - Current law requires water corporations regulated by the Public Service Commission to submit an annual report to the Commission. This act requires water corporations that regularly provide service to 20,000 or more customers to additionally disclose in its annual report the salary and total compensation provided to each of its officers whose salary exceeds \$50,000 per year. This information shall not be considered a closed record and shall be available upon request through the Commission.

ERIKA JAQUES

01/15/2008 S First Read--SB 945-Green (S86)

01/16/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S106)

EFFECTIVE: August 28, 2008

\*\*\* SB 946 \*\*\*

4386S.011

SENATE SPONSOR: Dempsey

SB 946 - This act creates the tobacco use prevention, cessation and enforcement fund. Beginning fiscal

year 2009, payments received from the strategic contribution fund will be deposited into the newly created fund to be used for a comprehensive tobacco control program.

JASON ZAMKUS

01/15/2008 S First Read--SB 946-Dempsey and McKenna (S86)

01/16/2008 Second Read and Referred S Seniors, Families and Public Health Committee (S106)

EFFECTIVE: August 28, 2008

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\*\*\* SB 947 \*\*\*

4304S.011

SENATE SPONSOR: Kennedy

SB 947 - This act increases the cap on the amount of jet fuels sales taxes that can be deposited into the State Aviation Trust Fund. Under current law, only \$6 million generated from jet fuel sales taxes may be deposited to the credit of the Aviation Trust Fund (Section 144.805). This act increases the cap to \$12 million.

This act allows \$2 million from the Aviation Trust Fund to be used for the study or promotion of expanded domestic or international scheduled commercial service, for the study or promotion of intrastate scheduled commercial service, or to assist airport sponsors participating in a federally funded air service program supporting intrastate scheduled commercial service. The act further requires that there must have been at least \$6 million deposited in the fund in the previous calendar year before aviation trust funds can be utilized for these purposes (Section 305.230).

This act allows moneys in the Aviation Trust Fund to be used to assist communities to match federal air traffic control tower cost-share program grants. Under the act, up to \$500,000 per year may be used on a ratio of 50% state/50% local to meet the non-federal match requirement. No more than \$100,000 per year may be used for any individual air traffic control tower (Section 305.230).

STEPHEN WITTE

01/15/2008 S First Read--SB 947-Kennedy (S86)

01/16/2008 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S106)

EFFECTIVE: August 28, 2008

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\*\*\* SB 948 \*\*\*

4300S.011

SENATE SPONSOR: Justus

SB 948 - This act provides that upon receiving a valid, lawful prescription for a contraceptive, a pharmacy has a duty to dispense the contraceptive or a suitable alternative permitted by the health care provider who issued the prescription. The pharmacy must fill the prescription without delay and consistent with the normal time frame for filling any other prescription. If the contraceptive or suitable alternative is not in stock, the pharmacy must obtain the contraceptive under the pharmacy's standard procedures for ordering contraceptives not in stock. If the patient prefers, the prescription must either be transferred to a local pharmacy of the patient's choice or returned to the patient.

This act also provides that nothing in the provisions of this act shall interfere with a pharmacist's screening for potential drug therapy problems, contraindications, or other potential interaction problems.

A pharmacy has a duty to treat each customer in a non-judgmental manner and ensure that each customer is not subjected to indignity, humiliation, breaches of confidentiality, or pressure to fill or not fill the prescription. In addition, the duties to fill the prescription under this act shall also apply to emergency contraception sold over the counter to persons of legal age.

Violation of the provisions of this act shall subject the licensed pharmacy to disciplinary action by the Board of Pharmacy.

This act is substantially similar to SCS/SB 72 (2007).

ADRIANE CROUSE

01/15/2008 S First Read--SB 948-Justus, et al (S86-87)

01/16/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S106)

EFFECTIVE: August 28, 2008

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\*\*\* SB 949 \*\*\*

4302S.011

SENATE SPONSOR: Scott

SB 949 - Under current law, no more than two rural empowerment zones may exist at any time and they may only be located in Hickory County. This act allows such zones to exist in any county with sixteen thousand residents or less, and prohibits the existence of more than two rural empowerment zones in any such county.

This act is identical to House Bill 1371 (2008).

Jason Zamkus

01/15/2008 S First Read--SB 949-Scott (S87)

01/16/2008 Second Read and Referred S Economic Development, Tourism &amp; Local Government Committee (S106)

01/30/2008 Hearing Conducted S Economic Development, Tourism &amp; Local Government Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 950 \*\*\*

4294S.011

SENATE SPONSOR: Scott

SB 950 - This act modifies various provisions relating to manufactured housing.

This act modifies the term "dealer" as it is used in the manufactured housing code. Under current law, every manufactured housing manufacturer or dealer who offers for sale four or more manufactured homes must register with the Public Service Commission. This act would modify the definition so that those who offers to sell four or more used homes, or one or more new homes with any consecutive 12-month period must also register with the commission.

The act establishes the "Manufactured Housing Customer Recovery Fund" for the purposes of paying consumer claims pursuant to the procedures the commission promulgates by rule. No claims shall be considered by the commission before all other legal remedies have been exhausted. Moneys in the newly created fund may be transferred back to the Manufactured Housing Fund by appropriation.

Under current law, it is a misdemeanor to fail to correct a code violation in a new manufactured home within 90 days. This act specifically provides that the commission may grant reasonable and necessary extensions.

When providing a bill of sale or purchase agreement, the dealer of a new manufactured home shall include the serial number of the unit (or manufacturer name and model number if unavailable) within the bill of sale or purchase agreement.

The act requires every manufacturer of a manufactured home or modular unit to register with the commission each place of business at which the dealer sells such units. The act modifies the dealer registration process by requiring dealers to, when registering, maintain a bona fide established place of business and maintain a permanent enclosed building or structure for the sale of manufactured homes or modular units. The act specifies that the registration application shall contain a business address and not a post office box address. The registration of renewal fee is \$200 (currently \$50).

The act specifically provides that commission suspension, revocation or probation orders shall apply to all registrations held by the dealer if there is consistent pattern of abuse. The act provides that the commission, through its general counsel, may seek remedies in circuit court for violations of Chapter 700. The act also assigns new statutory numbers to several provisions of law contained in the manufactured housing code (Chapter 700).

This act is substantially similar to SB 313 (2007).

STEPHEN WITTE

01/15/2008 S First Read--SB 950-Scott (S87)

01/16/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S106)

01/31/2008 Hearing Scheduled But Not Heard S Commerce, Energy and the Environment Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 951 \*\*\*

4030S.021

SENATE SPONSOR: Scott

SB 951 - Under the act, in a state of emergency the Governor shall authorize the Director of Finance to suspend laws and rules applicable to the division that are reasonable and necessary to safeguard the soundness of financial institutions and coordinate emergency response with financial institutions and emergency responders. The director shall file written waivers, suspensions, actions, and directives in the director's office.

Under current law, banks and trust companies may operate under emergency bylaws in certain circumstances. This act allows banks and trust companies to do the same when the legislature or governor declares a state of emergency. On such occasion, the board of directors or president of the bank or trust company shall notify the director of finance of the implementation of emergency bylaws and the status of its emergency response operations.

CHRIS HOGERTY

01/15/2008 S First Read--SB 951-Scott (S87)

01/16/2008 Second Read and Referred S Financial &amp; Governmental Organizations and Elections Committee (S106)

02/04/2008 Hearing Conducted S Financial &amp; Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 952 \*\*\*

3979S.021

SENATE SPONSOR: Scott

SB 952 - This act modifies the licensing requirements and practice of certified public accountants and accounting firms.

Engagements to be performed in accordance with the auditing standards and rules of the Public Company Accounting Oversight Board are included in the definition of attest or attest services.

The act also modifies the out-of-state equivalency requirements for certified public accountants. Currently, an individual having a valid designation to practice whose principal place of business is in a state with equivalent qualifications for licensure shall have all of the privileges of licensure in this state. The act allows those having an out-of-state domicile or residency to also qualify. All out-of-state practitioners shall have an unrestricted license in their state to qualify and shall only practice in connection with a firm holding a valid permit to practice as a certified public accounting firm in this state. Out-of-state practitioners shall cease offering professional services if their out-of-state license ceases to be valid or becomes restricted.

The act also modifies the permit requirements for certified public accounting firms. The following firms must hold a permit:

- Those with Missouri offices that perform attest services.
- Those using the title CPA or CPA firm.
- Those that do not have an office in Missouri that perform attest services for clients with offices in Missouri.

Certain firms may use professional designations and perform compilation and review services and other professional services in certain circumstances.

CHRIS HOGERTY

01/15/2008 S First Read--SB 952-Scott (S87)

01/16/2008 Second Read and Referred S Financial &amp; Governmental Organizations and Elections Committee (S106)

02/01/2008 Hearing Cancelled S Financial &amp; Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 953 \*\*\*

4303S.011

SENATE SPONSOR: Scott

SB 953 - Currently, a public governmental body is authorized to close certain operational guidelines and policies used to respond to terrorist incidents as well as security systems and structural plans of real property.

These exceptions expire on December 31, 2008. This act extends the deadline to December 31, 2012.  
JIM ERTLE

01/15/2008 S First Read--SB 953-Scott (S87)  
01/16/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S106)  
01/22/2008 Hearing Conducted S Financial & Governmental Organizations and Elections Committee  
EFFECTIVE: August 28, 2008

\*\*\* SB 954 \*\*\*

4410S.011

SENATE SPONSOR: Scott

SB 954 - This act imposes certain requirements upon petition circulators.

Under this act, circulators must be Missouri residents, and shall not be paid on a per signature basis.

This act is similar to SB 598 (2007), SB 909 (2008), and SB 934 (2008).

CHRIS HOGERTY

01/15/2008 S First Read--SB 954-Scott (S87)  
01/16/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S106)  
01/28/2008 Hearing Conducted S Financial & Governmental Organizations and Elections Committee  
02/04/2008 Bill Combined (SCS/SBs 909, 954, 934 & 1003)  
EFFECTIVE: August 28, 2008

\*\*\* SB 955 \*\*\*

4123S.011

SENATE SPONSOR: Shields

SB 955 - This act allows a motor vehicle owner to receive a refund for the unused portion of a registration fee, provided such unused portion is in an amount of five dollars or greater, when the owner sells the motor vehicle and does not replace it with another. Under the current law, persons can receive credit for unused portion of a registration fee if they cannot transfer their license plates to a newly acquired vehicle due to a change of vehicle category.

This act is similar to SB 19 (2007) and SB 1048 (2006).

STEPHEN WITTE

01/15/2008 S First Read--SB 955-Shields (S87)  
01/16/2008 Second Read and Referred S Transportation Committee (S106)  
01/23/2008 Hearing Conducted S Transportation Committee  
01/30/2008 Voted Do Pass S Transportation Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 956 \*\*\*

3441S.021

SENATE SPONSOR: Kennedy

SB 956 - The act changes the expiration dates of the staggered terms for the first appointed members of a public water supply district board by changing the ending month from June to April.

Under current law, a circuit court must follow certain public notice requirements when holding a hearing regarding the detachment of property that is part of a public water supply district. This act increases the timeframe from 5 to 7 for the maximum number of days before the hearing date in which the last public hearing notice must be published in the county newspaper.

In the event the court approves a detachment of property from a public water supply district, the court shall include in its decree a description of the district after the detachment as well as make any appropriate changes to the subdistrict boundary lines. Any changes in subdistrict boundaries shall not become effective until the next annual board of directors election. Certified copies of any court order regarding a detachment of district property shall be provided to the county recorder of deeds, the county clerk of any affected county, and to the Secretary of State. The court costs for district property detachment shall be borne by the

petitioners of such action.

This act contains provisions similar to provisions in HB 766 (2007) and SB 419 (2007).

ERIKA JAQUES

01/16/2008 S First Read--SB 956-Kennedy (S103)

01/22/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S122)

EFFECTIVE: August 28, 2008

\*\*\* SB 957 \*\*\*

4437S.011

SENATE SPONSOR: Goodman

SB 957 - This act repeals the requirement that operators of rental and leasing facilities provide documentation including the owner's name, address, county of residence, and a description of the personal property located within the rental or leasing facility to the county assessor where such rental or leasing facility is located for property tax purposes.

JASON ZAMKUS

01/16/2008 S First Read--SB 957-Goodman (S103)

01/22/2008 Second Read and Referred S Ways & Means Committee (S122)

02/04/2008 Hearing Conducted S Ways & Means Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 958 \*\*\*

3859S.021

SENATE SPONSOR: Goodman

SB 958 - This act authorizes any rural electric cooperative and certain electrical corporations that operate on the not-for-profit cooperative business plan to trim trees and control vegetation within the legal description in a recorded easement, or when no easement exists, within the following areas: 1) within 10 feet of electric lines located in a city and potentially energized at or below 34.5 kilovolts; 2) within 30 feet of electric lines located outside of a city and potentially energized at or below 34.5 kilovolts; 3) within 50 feet of electric lines potentially energized between 34.5 and 100 kilovolts; and 4) within 75 feet or within a federally required clearance for electric lines potentially energized at 100 kilovolts or more.

Electric cooperatives may control vegetation in excess of these areas if needed to maintain safe and reliable electric service. If an electric cooperative must remove certain trees outside of the authorized areas, it must notify the owner of the trees at least fourteen days prior to their removal, except in emergency situations.

Owners of trees that die within three months of being trimmed by an electric cooperative may request the cooperative to remove any such tree, and the cooperative must respond to any such request within 90 days.

Nothing in the act requires electric cooperatives to fully exercise the authorities granted to it by the act.

This act is similar to SS/SCS/SB 563 (2007) and HCS/HB 811 (2007).

ERIKA JAQUES

01/16/2008 S First Read--SB 958-Goodman (S103)

01/22/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S122)

02/07/2008 Hearing Scheduled S Commerce, Energy and the Environment Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 959 \*\*\*

3605S.021

SENATE SPONSOR: Goodman

SB 959 - This act provides that court personnel shall be required to redact Social Security numbers from case records involving certain domestic relations claims prior to disclosure to the public. The court may allow access to unredacted records if it determines that the person or entity requesting the information has a legitimate interest in obtaining the information, and that no harm will be caused to the person whose Social Security number is disclosed.

ALEXA PEARSON

01/16/2008 S First Read--SB 959-Goodman (S103)  
 01/22/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S122)  
 EFFECTIVE: August 28, 2008

\*\*\* SB 960 \*\*\*

4326S.011

SENATE SPONSOR: Goodman

SB 960 - This act provides that beginning January 1, 2009, there shall be one additional circuit judge position within the thirty-ninth judicial circuit. The circuit judges in this circuit shall sit in divisions numbered one and two. The circuit judge in this circuit on December 31, 2008 shall sit in division one, and the governor shall appoint a judge for division two, who shall serve until his or her successor is elected in 2010.

ALEXA PEARSON

01/16/2008 S First Read--SB 960-Goodman (S103)  
 01/22/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S122)  
 EFFECTIVE: August 28, 2008

\*\*\* SRB 961 \*\*\*

3967L.011

SENATE SPONSOR: Goodman

SRB 961 - This act repeals certain provisions of law which have expired, sunset, terminated, or are ineffective as identified by the Joint Committee on Legislative Research.

JIM ERTLE

01/16/2008 S First Read--SRB 961-Goodman (S103)  
 01/22/2008 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S122)  
 EFFECTIVE: August 28, 2008

\*\*\* SB 962 \*\*\*

4395S.011

SENATE SPONSOR: Champion

SB 962 - This act repeals the current State Board of Health and the State Board of Senior Services and creates a State Board of Health and Senior Services. The board shall consist of nine members, appointed by the Governor, with the advice and consent of the Senate. No more than five of the members of the board shall be from the same political party. The term of years and make-up of the board are specified.

The board shall advise the Department of Health and Senior Services in the promulgation of rules, formulation of the budget and planning for and operation of the department. The board shall also annually evaluate all boards, councils, committees, authorities, and bodies related to the department.

ADRIANE CROUSE

01/16/2008 S First Read--SB 962-Champion (S103)  
 01/22/2008 Second Read and Referred S Seniors, Families and Public Health Committee (S122)  
 02/05/2008 Hearing Scheduled But Not Heard S Seniors, Families and Public Health Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 963 \*\*\*

4446S.011

SENATE SPONSOR: Stouffer

SB 963 - This act requires law enforcement agencies to establish rotation lists of towing truck companies to be called for removing disabled vehicles within a law enforcement agency's jurisdiction. Law enforcement agencies must establish guidelines for towing companies to follow in order to be included within the agency's rotation list. For example, towing companies must have the necessary equipment and qualified personnel to respond to law enforcement calls and such companies must also be able to respond to a call within a reasonable time. Under the act, towing companies that violate the criteria established for inclusion on a rotation list shall be removed the list for specified periods of time. The act requires each law enforcement agency to establish an appellate procedure by which a towing company can challenge its removal from a rotation list. The act also prohibits law enforcement agencies from calling a tow truck company from a rotation list if the owner of the disabled vehicle requests a specific towing truck company.

This act is identical to HB 1525 (2008).

STEPHEN WITTE

01/16/2008 S First Read--SB 963-Stouffer (S103-104)

01/22/2008 Second Read and Referred S Transportation Committee (S122)

EFFECTIVE: August 28, 2008

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\*\*\* SB 964 \*\*\*

4510S.011

SENATE SPONSOR: Smith

SB 964 - This act creates the "Show Me Green Sales Tax Holiday." For 2009 and every year thereafter, during the seven day period beginning on April 19th and ending April 25th, all sales of Energy Star certified appliances will be exempt from state and local sales tax.

The Department of Natural Resources shall provide financial assistance, not to exceed \$100,000 in total, to small businesses for the purpose of conducting voluntary energy audits. The department shall provide financial assistance, not to exceed \$300,000 in total, to municipalities for the purpose of conducting energy audits of municipal water systems.

ERIKA JAQUES

01/16/2008 S First Read--SB 964-Smith (S104)

01/22/2008 Second Read and Referred S Ways & Means Committee (S122)

EFFECTIVE: August 28, 2008

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\*\*\* SB 965 \*\*\*

4337S.011

SENATE SPONSOR: Crowell

SB 965 - This act requires students entering public higher education institutions after January 1, 2009 to complete a three-credit-hour course in American history and a three-credit-hour course in American literature in order to graduate.

This act is similar to HB 532 (2007).

JIM ERTLE

01/16/2008 S First Read--SB 965-Crowell (S104)

01/22/2008 Second Read and Referred S Education Committee (S122)

EFFECTIVE: August 28, 2008

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\*\*\* SB 966 \*\*\*

4252S.021

SENATE SPONSOR: Dempsey

SB 966 - This act creates the Line of Duty Compensation Act which provides additional workers' compensation benefits in the amount of \$100,000 for firefighters, law enforcement, emergency medical technicians, paramedics, aviation medical crew members, department of corrections employees, and juvenile justice employees who are killed in the line of duty.

For coverage to apply, the death must occur within 300 weeks of an injury received in the course of duty of the respective profession, and must be caused by violence or accident. Those subject to death arising out of willful misconduct or intoxication are excluded from coverage.

Specific instances of coverage for law enforcement, firefighters, emergency medical technicians, aviation medical crew members, and paramedics are enumerated including death sustained when traveling to and from employment, and certain off-duty activities.

Burial benefits of up to \$10,000 shall be awarded to the surviving spouse, dependent, or estates of those killed in the line of duty.

Under the act, neither employers nor workers' compensation insurers shall have subrogation rights against compensation awarded for claims under the proposed program.

This act is similar to SB 500 (2007) and HB 551 (2007).

CHRIS HOGERTY

01/16/2008 S First Read--SB 966-Dempsey and Koster (S104)

01/22/2008 Second Read and Referred S Small Business, Insurance &amp; Industrial Relations Committee (S122)

EFFECTIVE: August 28, 2008

\*\*\* SB 967 \*\*\*

4258S.011

SENATE SPONSOR: Mayer

SB 967 – This act allows the Missouri Higher Education Loan Authority to be the originator of any federally guaranteed student loan.

MICHAEL RUFF

01/16/2008 S First Read--SB 967-Mayer (S104)

01/22/2008 Second Read and Referred S Education Committee (S122)

EFFECTIVE: August 28, 2008

\*\*\* SB 968 \*\*\*

3694S.011

SENATE SPONSOR: Shields

SB 968 - This act provides that nonpartisan judicial commissions shall be included in the definition of "public governmental body" and therefore subject to the provisions of the Missouri Sunshine Act. Current law provides that public governmental bodies may authorize closed meetings, records, and votes when relating to personnel matters such as hiring or firing employees. This act provides that nonpartisan judicial commissions shall not be authorized to close meetings, records or votes related to personnel matters.

ALEXA PEARSON

01/16/2008 S First Read--SB 968-Shields (S104)

01/22/2008 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S122)

02/11/2008 Hearing Scheduled S Judiciary and Civil &amp; Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 969 \*\*\*

3352S.011

SENATE SPONSOR: Scott

SB 969 - This act removes the six year term limit of the executive director of the Ethics Commission.

CHRIS HOGERTY

01/16/2008 S First Read--SB 969-Scott (S104)

01/22/2008 Second Read and Referred S Financial &amp; Governmental Organizations and Elections Committee (S122)

01/28/2008 Hearing Conducted S Financial &amp; Governmental Organizations and Elections Committee

02/04/2008 Voted Do Pass S Financial &amp; Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 970 \*\*\*

4443S.011

SENATE SPONSOR: Scott

SB 970 - Current law requires elected officials, candidates for elective office, and certain other officials of a political subdivision with an operating budget of over \$1 million to file financial interest statements. This act changes the operating budget floor to those over \$2 million.

This act is identical to SB 479 (2005), SB 818 (2006), and SB 271 (2007).

CHRIS HOGERTY

01/16/2008 S First Read--SB 970-Scott (S104)

01/22/2008 Second Read and Referred S Financial &amp; Governmental Organizations and Elections Committee (S122)

02/04/2008 Hearing Conducted S Financial &amp; Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2008

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**\*\*\* SB 971 \*\*\***

4284S.011

SENATE SPONSOR: Clemens

SB 971 - Currently, the bobwhite quail is selected as the official state game bird. This act changes the official state game bird to the Kansas Jayhawk.

JIM ERTLE

01/17/2008 S First Read--SB 971-Clemens (S110)

01/22/2008 Second Read and Referred S Agriculture, Conservation, Parks &amp; Natural Resources Committee (S122)

EFFECTIVE: August 28, 2008

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**\*\*\* SB 972 \*\*\***

4527S.021

SENATE SPONSOR: Stouffer

SB 972 - This act adds as a covered service under the MO HealthNet program comprehensive day rehabilitation services.

ADRIANE CROUSE

01/17/2008 S First Read--SB 972-Stouffer (S110)

01/22/2008 Second Read and Referred S Health and Mental Health Committee (S122)

EFFECTIVE: August 28, 2008

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**\*\*\* SB 973 \*\*\***

4516S.011

SENATE SPONSOR: Engler

SB 973 - This act provides that no applicant shall be enrolled in a Medicare Advantage plan until two business days have passed since the initial personal solicitation and the applicant has signed a disclosure form. Personal solicitation includes either an on-site presentation at a facility or a home meeting with an insurance agent. The disclosure shall be signed and dated by both the applicant and the agent on the day of the initial personal solicitation and shall include:

- A statement that Medicare Advantage plans are not Medigap supplement plans;
- A statement advising the applicant to confirm with his or her health care providers whether or not the provider has contracted with the Medicare Advantage plan to provide medical services; and
- A statement advising the applicant to contact either a trusted family member, friend or the state health insurance assistance program, known as CLAIM.

The director of the Department of Insurance, Financial Institutions and Professional Registration shall prescribe the format and content of the disclosure including size, color and prominence of type. Anyone who violates the provisions of this act shall be subject to civil penalties and fines.

This act is identical to SB 773 (2008).

ADRIANE CROUSE

01/17/2008 S First Read--SB 973-Engler and Shoemyer (S110)

01/22/2008 Second Read and Referred S Small Business, Insurance &amp; Industrial Relations Committee (S122)

EFFECTIVE: August 28, 2008

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**\*\*\* SB 974 \*\*\***

4413S.011

SENATE SPONSOR: Engler

SB 974 - This act modifies various provisions relating to mental health services.

This act modifies the good Samaritan statute to allow any other person, regardless of training, to intervene in an attempted suicide with immunity from liability. SECTION 537.037

Under current law, physical and chemical restraints cannot be used on patients, residents or clients of a mental health facility or mental health program except under certain circumstances. This act allows security

escort devices to be used on individuals who have been civilly committed when they are transported outside a mental health facility if the head of the facility or the attending physician finds it necessary to protect the health and safety of the individual or others or to prevent escape. Security escort devices shall be used on individuals who have been civilly committed under the sexually violent predator statutes or who have been criminally committed when they are transported outside a mental health facility, unless it is determined by the head of the facility or the attending physician that it is not necessary to protect the health and safety of the individual or others or to prevent escape. The head of a mental health facility may also use extraordinary measures to ensure the safety and security of patients, residents, clients, or others during times of natural or man-made disasters. Use of the security escort devices or the extraordinary measures during the circumstances described in this act shall not be considered restraint, seclusion or isolation as generally prohibited by statute. SECTION 630.175

This act also specifies that the release of client information must be consistent with requirements of the Federal Health Insurance Portability and Accountability Act of 1996 (HIPAA). SECTION 630.140

Under current law, mental health coordinators must be employed by the State of Missouri. This act provides that such coordinators may be contract employees or work for community health providers. SECTIONS 630.045 AND 632.005

Also under current law, certain mental health care professionals are immune from liability for detaining, transporting, conditionally releasing or discharging a person under the mental health or guardianship statutes at or before the end of the period for which the person was admitted or detained for evaluation or treatment so long as such duties were performed in good faith and without gross negligence. This act add investigating to the list of actions immune from liability. SECTION 632.440

ADRIANE CROUSE

01/17/2008 S First Read--SB 974-Engler (S110)

01/22/2008 Second Read and Referred S Health and Mental Health Committee (S122)

02/05/2008 Hearing Conducted S Health and Mental Health Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 975 \*\*\*

4401S.021

SENATE SPONSOR: Ridgeway

SB 975 - This act requires alcohol monitoring for persons with repeat alcohol-related offenses in certain circumstances instead of serving a more lengthy mandatory minimum sentence.

The term "continuous alcohol monitoring" means automatically testing alcohol concentration levels and tampering attempts, regardless of the location of the person wearing the device, at least once each hour and regularly transmitting the data through a remote device worn by such person.

Currently, no prior offender is eligible for probation or parole until he or she serves a minimum of five days imprisonment, unless the person performs at least thirty days of community service. Under this act, a prior offender would also be required to abstain from consuming alcohol. This requirement shall be verifiable by continuous alcohol monitoring or breath alcohol testing performed a minimum of four times per day as scheduled by the court, for not less than thirty days but not more than ninety days.

Currently, no persistent offender is eligible for probation or parole until he or she serves a minimum of ten days imprisonment, unless the person performs at least sixty days of community service. Under this act, a prior offender would also be required to abstain from consuming alcohol. This requirement shall be verifiable by continuous alcohol monitoring or breath alcohol testing performed a minimum of four times per day as scheduled by the court, for not less than sixty days but not more than one hundred eighty days.

Currently, no aggravated offender is eligible for probation or parole until he or she serves a minimum of sixty days imprisonment. Under this act, the court may suspend execution of not more than thirty days of such term if, as a condition of probation and parole, such person abstains from consuming alcohol and submits to alcohol monitoring as scheduled by the court, for not less than one hundred twenty days but not more than two hundred seventy days.

Currently, no chronic offender is eligible for probation or parole until he or she serves a minimum of two years imprisonment. Under this act, the court may suspend execution of not more than one year of such term if, as a condition of probation and parole, such person abstains from consuming alcohol and submits to

alcohol monitoring as scheduled by the court, for not less than one year but not more than two years.  
SUSAN HENDERSON MOORE

01/17/2008 S First Read--SB 975-Ridgeway (S110)

01/22/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S122)

EFFECTIVE: August 28, 2008

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\*\*\* SB 976 \*\*\*

4255S.011

SENATE SPONSOR: Ridgeway

SB 976 - Currently, the authority for certain administrative commissions to hear appeals shall be transferred to the Administrative Hearing Commission (AHC), however, the authority to make final decisions after a hearing on appeals by the AHC shall remain with the enumerated commissions. This act provides that the administrative commissions enumerated within may render final decisions after hearing or through stipulation, consent order, agreed settlement, or by disposition similar to a default judgment, judgement on the pleadings, or summary determination.

The act also provides that if a person aggrieved by any decision for which authority to hear appeals was transferred to the AHC files a petition for appeal, the AHC may hold hearings or may make recommended decisions by stipulation of the parties, consent order, agreed settlement, or by disposition similar to a default judgment, judgement on the pleadings, or summary determination.

This act is identical to SB 481 (2007) and HB 526 (2007).

ALEXA PEARSON

01/17/2008 S First Read--SB 976-Ridgeway (S110)

01/22/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S122)

EFFECTIVE: August 28, 2008

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\*\*\* SB 977 \*\*\*

4409S.021

SENATE SPONSOR: Ridgeway

SB 977 – This act creates the Betty L. Thompson Scholarship Program. Beginning in tax year 2008, a taxpayer may make a contribution to an educational assistance organization and claim a tax credit if the taxpayer does not claim the donations on the taxpayer's federal income tax return. The tax credit is for 65% of the amount of the contribution and is nonrefundable but may be carried forward for three years. The tax credit is transferable. The annual cumulative amount of tax credits is limited at \$40 million. Scholarships may not exceed \$5,000. Both amounts will be increased or decreased based on the consumer price index for the Midwest. \$32 million will be allotted for tax credit scholarships and \$8 million for public school foundations.

Eligibility standards for students receiving scholarships include: a grade point average of 2.5 or less on a 4.0 scale, or an equivalent; residence within the boundaries of a school district classified as unaccredited or provisionally accredited by the state board of education; attendance at a public school for the semester before a scholarship is granted or starting school in the state for the first time; a family income not greater than 135% of the level for the reduced school lunch program. Educational assistance organizations must meet requirements for fiscal soundness, percentage of revenues devoted to educational scholarships, and public reporting. Private schools qualify to accept students with scholarships by meeting requirements as described in the act, including employee background checks and administering state student assessments. The act describes the method of distributing scholarship checks.

Scholarships may be used at public schools outside the eligible school districts. If a scholarship student attends another public school, the accepting school must take the educational scholarship funds instead of state funds owed to the accepting district. The weighted average daily attendance count under the foundation formula of a school district whose resident students receive scholarships under this act will be adjusted so that the district does not receive aid for a student no longer enrolled as a result of receiving a scholarship under this act.

The Joint Committee on Legislative Research will enter into a contract with one or more researchers to study the program, including measurements of student achievement, satisfaction with the program, and its impact on public and private schools.

The provisions of this act shall expire within six years unless renewed.

This act is similar to SB 698 (2007) and HB 808 (2007).

MICHAEL RUFF

01/17/2008 S First Read--SB 977-Ridgeway and Loudon (S110)

01/22/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S122)

EFFECTIVE: August 28, 2008

\*\*\* SB 978 \*\*\*

4474S.011

SENATE SPONSOR: Griesheimer

SB 978 - Under this act, each member of an ambulance district board of directors shall be subject to recall from office by the registered voters of the election district from which he or she was elected. Proceedings for the recall are commenced by the filing of a notice of intention to circulate a recall petition.

The notice must be served personally, or by certified mail, on the board member and filed with the election authority. A separate notice is needed for each member sought to be recalled and must contain information explaining the reason for the recall. It must list at least one but not more than five proponents of the recall.

Within seven days, the board member may file a statement answering the statement of the proponents. The answer must be served on at least one proponent. The statement and answer are for the voters' informational purposes only.

A member cannot be recalled if he or she: 1) has not held office during the current term for more than 180 days; 2) has 180 days or less remaining on his or her current term; or 3) has had a recall election determined in his or her favor within the current term.

The person circulating the petition must sign an affidavit verifying certain information. A recall petition must be filed with the election authority not more than 180 days after the filing of the notice of intention. The number of signatures needed shall equal at least 25% of the number of voters who voted in the most recent gubernatorial election in the election district.

The election authority has twenty days from the date of filing the petition to determine if enough voters signed the petition. It must file a certificate showing whether there are enough signatures. If the election authority certifies the petition does not have enough signatures, it may be supplemented within ten days of the date of certificate. The election authority must then certify the supplemented petition. If it is insufficient, no further action shall be taken.

If the petition is sufficient, the election authority shall submit its certificate to the board of directors and order an election within a certain amount of time. Nominations for board membership openings shall be made by filing a statement of candidacy with the election authority.

Any time prior to forty-two days before the election, the member sought to be recalled may offer his or her resignation and the recall question shall be removed from the ballot and the office declared vacant.

SUSAN HENDERSON MOORE

01/17/2008 S First Read--SB 978-Griesheimer (S111)

01/22/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S122)

01/30/2008 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 979 \*\*\*

4348S.011

SENATE SPONSOR: Vogel

SB 979 - This act terminates eligibility for the surviving spouse of a public safety official income tax credit for property taxes paid, on a homestead, upon a surviving spouse's remarriage.

JASON ZAMKUS

01/17/2008 S First Read--SB 979-Vogel (S111)

01/22/2008 Second Read and Referred S Ways & Means Committee (S122)

EFFECTIVE: August 28, 2008

\*\*\* SB 980 \*\*\*

4515S.011

SENATE SPONSOR: Ridgeway

SB 980 - In 2007, two versions of Section 86.1230, RSMo, were enacted, relating to supplemental benefits for the Police Retirement System of Kansas City. Due to a possible conflict, both versions are currently printed in state law. This act repeals one version of Section 86.1230, RSMo, in order to remove any ambiguity regarding this section of law.

The act also provides that members of the Police Retirement System of Kansas City and the Civilian Employees' Retirement System of the Police Department of Kansas City must be in active service in order to be eligible for certain duty-related or nonduty-related disability retirement benefits.

ALEXA PEARSON

01/22/2008 S First Read--SB 980-Ridgeway (S115)

01/24/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S132)

01/30/2008 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 981 \*\*\*

4612S.011

SENATE SPONSOR: Purgason

SB 981 - This act makes the plant commonly called spotted knapweed subject to existing noxious weed control laws.

This act is similar to a provision in SB 898 (2008) and similar to HCS/HB 244 (2007).

ERIKA JAQUES

01/22/2008 S First Read--SB 981-Purgason (S115-116)

01/24/2008 Second Read and Referred S Agriculture, Conservation, Parks &amp; Natural Resources Committee (S132)

EFFECTIVE: August 28, 2008

\*\*\* SB 982 \*\*\*

4611S.011

SENATE SPONSOR: Purgason

SB 982 - This act makes it a Class A misdemeanor to remove an electronic or radio-transmitting collar from a dog without permission for the purpose of hindering the dog's owner from finding the animal. Any person found guilty of this crime shall pay restitution in an amount equal to the actual value of any dog lost or killed as a result of the crime and such person may additionally be subject to restitution for lost breeding revenues.

ERIKA JAQUES

01/22/2008 S First Read--SB 982-Purgason (S116)

01/24/2008 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S132)

EFFECTIVE: August 28, 2008

\*\*\* SB 983 \*\*\*

4593S.011

SENATE SPONSOR: Purgason

SB 983 - This act establishes the Emily Brooker Higher Education Sunshine Act, which defines "intellectual diversity" and "free exchange of ideas" for purposes of reporting requirements for public institutions of higher education. The Coordinating Board for Higher Education will require each public institution of higher education to annually report to the General Assembly on steps taken to ensure intellectual diversity and the free exchange of ideas as described in the act. The report must be distributed to the General Assembly by December 31, 2009. Each public institution of higher education must post its report on its website and ensure that students are notified of measures to promote intellectual diversity and how to report alleged violations.

This act is identical to HB 1315 (2008) and similar to HB 213 (2007).  
MICHAEL RUFF

01/22/2008 S First Read--SB 983-Purgason (S116)

01/24/2008 Second Read and Referred S Education Committee (S132)

EFFECTIVE: August 28, 2008

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\*\*\* SB 984 \*\*\*

3928S.011

SENATE SPONSOR: Shoemyer

SB 984 – This act modifies the Bright Flight scholarship program. Scholarships will be offered to Missouri residents who graduate from high school or receive a GED. Students must receive a qualifying score on either the ACT or SAT by the June national testing date of the year they graduate from high school or receive a GED. Until fiscal year 2010, a qualifying score is defined as scoring in the top 3% of Missouri test-takers. Beginning in fiscal year 2011, a qualifying score is defined as scoring in the top 5% of Missouri test-takers. The qualifying score for a particular year is determined annually and is based on the scores achieved the prior academic year.

Scholarship recipients must be full-time students during their freshman year of college. Recipients must maintain a minimum grade point average of 2.5 on a 4.0 scale, or its equivalent, to retain the scholarship. Scholarships may be renewed until the fifth academic year or as long as the recipient remains in compliance with eligibility requirements.

The scholarship amount will be \$2,000 through fiscal year 2010 for students scoring in the top 3% of Missouri test-takers. For fiscal year 2011 and beyond, the scholarship amount will be \$3,000 for students scoring in the top 3% of Missouri test-takers. In addition, students scoring between the top 5% to 3% of Missouri test-takers will receive a \$1,000 scholarship.

Students who withdraw from school for certain reasons may be eligible to regain their scholarship if they return to full-time status within twenty-seven months and meet other requirements as described in the act.

MICHAEL RUFF

01/22/2008 S First Read--SB 984-Shoemyer (S116)

01/24/2008 Second Read and Referred S Education Committee (S132)

EFFECTIVE: August 28, 2008

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\*\*\* SB 985 \*\*\*

4439S.011

SENATE SPONSOR: Shoemyer

SB 985 - Under this act, a person commits the crime of making a false declaration by providing a verbal false statement that he or she believes or knows not to be true with the purpose of misleading a public servant during a criminal investigation. Making a false declaration is a Class B misdemeanor.

This act is similar to SB 922 (2008).  
SUSAN HENDERSON MOORE

01/22/2008 S First Read--SB 985-Shoemyer (S116)

01/24/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S132)

01/28/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2008

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\*\*\* SB 986 \*\*\*

3507S.041

SENATE SPONSOR: Shoemyer

SB 986 - Under this act, every motor vehicle physical damage appraiser is required to give each consumer a written estimated price for labor and parts for specific motor vehicle repairs. The physical damage appraiser is required to describe in the estimate the major parts needed for the repair and shall designate whether parts will be new parts, used parts, rebuilt parts, repaired or aftermarket parts. The estimate shall indicate that the physical damage appraiser used a published flat rate manual or an automated system to determine the cost of the repairs. The flat rate manual shall be used in its entirety and without modification to establish the cost of repairing a vehicle.

The act provides that if it is necessary to disassemble a vehicle in order to provide a written estimate, the estimate shall show the cost of any disassembly, diagnostics, storage and administrative fees if the consumer elects not to proceed with the repair of the vehicle.

The estimate shall include the date it was prepared, the vehicle's odometer reading, and its VIN number.

The estimated price quotation shall include the following statement: "You are entitled to a price estimate for the repairs needed to restore your vehicle to a condition similar to the motor vehicle condition prior to the damage or deterioration. You are also entitled by law to select the repair facility of your choice to do the repairs."

Under the act, if it is determined that the estimated price is insufficient due to unforeseen circumstances, the consumer is entitled to full disclosure of the cost of the additional parts or labor subsequent to a complete diagnosis.

The act also provides that a motor vehicle physical damage appraiser shall not exhibit or engage in a pattern or practice of preparing written estimates underestimating the final costs of repairs by more than 10%.

Violations of the act are deemed to be an unlawful practice under the Merchandising Practices Act. Under the act, the attorney general shall have the power to enforce the provisions of the act.

STEPHEN WITTE

01/22/2008 S First Read--SB 986-Shoemyer and Griesheimer (S116)

01/24/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S132)

EFFECTIVE: August 28, 2008

\*\*\* SB 987 \*\*\*

4650S.021

SENATE SPONSOR: Shoemyer

SB 987 - This act modifies the membership of the MO HealthNet Oversight Committee by adding a licensed podiatrist and a licensed nurse.

ADRIANE CROUSE

01/22/2008 S First Read--SB 987-Shoemyer (S116)

01/24/2008 Second Read and Referred S Health and Mental Health Committee (S132)

01/29/2008 Hearing Conducted S Health and Mental Health Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 988 \*\*\*

4448S.011

SENATE SPONSOR: Shoemyer

SB 988 - Currently, all bingo pull-tab card suppliers are required to pay a tax equal to two percent of the gross receipts of the retail sales value charged for each pull-tab card sold in Missouri. Missouri law also requires any organization, which awards winners of bingo games prizes or merchandise having an aggregate retail value in excess of five thousand dollars per year or five hundred dollars per day, to pay a tax equal to two-tenths of one cent per bingo card sold. This act exempts veterans, service, and fraternal organizations from these tax.

JASON ZAMKUS

01/22/2008 S First Read--SB 988-Shoemyer (S116)

01/24/2008 Second Read and Referred S Ways & Means Committee (S132)

EFFECTIVE: August 28, 2008

\*\*\* SB 989 \*\*\*

4441S.021

SENATE SPONSOR: Wilson

SB 989 - This act provides a tax credit for a taxpayer who serves as a poll worker for an election. The tax credit is equal to fifty dollars per election in which the taxpayer serves as a poll worker, not to exceed one hundred dollars per taxpayer per year. The tax credit is non-refundable, but may be carried forward five

years until used. The provisions of this act shall automatically sunset six years from the effective date of the act if not re-authorized.

JASON ZAMKUS

01/22/2008 S First Read--SB 989-Wilson (S116)

01/24/2008 Second Read and Referred S Ways & Means Committee (S132)

EFFECTIVE: August 28, 2008

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\*\*\* SB 990 \*\*\*

4642S.011

SENATE SPONSOR: Champion

SB 990 – This act allows any resident of a nursing home who receives MO HealthNet Program benefits to retain not less than fifty dollars per month for discretionary spending.

This act is identical to HB 1303 (2008).

ADRIANE CROUSE

01/22/2008 S First Read--SB 990-Champion (S116)

01/24/2008 Second Read and Referred S Seniors, Families and Public Health Committee (S132)

EFFECTIVE: August 28, 2008

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\*\*\* SB 991 \*\*\*

4118S.011

SENATE SPONSOR: Loudon

SB 991 - This act designates the ice cream cone as the official state dessert for the state of Missouri.

JIM ERTL

01/22/2008 S First Read--SB 991-Loudon and Kennedy (S116)

01/24/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S132)

02/06/2008 Hearing Scheduled S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2008

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\*\*\* SB 992 \*\*\*

4185S.021

SENATE SPONSOR: Loudon

SB 992 - This act limits increases in assessed value due to reassessment of residential real property to a maximum of the inflationary rate over a prior year assessment. The reassessment cap only applies to a substantially identical piece of real property which has not changed hands.

The act will only become effective upon passage of a constitutional amendment limiting increases in assessed value of residential real property until a transfer of ownership occurs.

The act is similar to Senate Bill 79 (2003).

JASON ZAMKUS

01/22/2008 S First Read--SB 992-Loudon (S116)

01/24/2008 Second Read and Referred S Ways & Means Committee (S133)

EFFECTIVE: Contingent

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\*\*\* SB 993 \*\*\*

4227S.021

SENATE SPONSOR: Crowell

SB 993 – This act creates the Missouri Special Needs Scholarship Tax Credit Program, to be administered by the Department of Economic Development. The program provides grants to elementary and secondary education students through scholarship granting organizations to cover all or part of tuition and fees at a qualified public or non-public school, including transportation to certain public schools. Scholarships are to be portable during the school year and may be prorated if a student changes schools. Students who may receive scholarships through the program include, but are not limited to, students with an individualized education program who are mentally handicapped, speech and language impaired, deaf or hard of hearing, visually impaired, dual sensory impaired, physically impaired, emotionally handicapped, specific learning disabled, diagnosed with an autism spectrum disorder, or hospitalized or homebound due to illness or

disability.

Beginning with tax year 2008, a taxpayer as described in the act may claim a tax credit against the taxpayer's state tax liability in an amount equal to eighty percent of the taxpayer's contribution to a scholarship granting organization. The amount of tax credits per taxpayer is limited to \$800,000 per year. The amount of tax credits claimed cannot exceed fifty percent of a taxpayer's state tax liability for the tax year in which it is claimed. An unclaimed tax credit may be carried over to the next four succeeding tax years until the full credit is claimed. Tax credits granted under the program are transferable as described in the act.

The director of the Department of Economic Development will determine which organizations may be classified as scholarship granting organizations. A scholarship granting organization that participates in the program must meet certain requirements and follow certain procedures as described in the act. An organization must spend at least 90% of its revenue from donations on educational scholarships and spend all revenue from interest or investments on educational scholarships. In addition, an organization must distribute scholarship payments as checks to parents and provide a Department of Economic Development-approved receipt to taxpayers who contribute. An organization must demonstrate financial accountability and viability as described in the act. An organization must also cooperate with the Department to conduct criminal background checks on its employees and board members and not employ individuals who could pose a risk to the use of contributed funds. The Department may hold a hearing before the director to bar a scholarship granting organization from participating in the program if it believes the organization has intentionally and substantially failed to comply with the requirements of the program. A scholarship granting organization may appeal to the Administrative Hearing Commission.

Participating schools must comply with health and safety laws that apply to non-public schools, hold a valid occupancy permit if required, certify they will not discriminate as described in the act, and regularly report on the students' progress to parents. Schools must also operate in Missouri and comply with state laws regarding criminal background checks for employees; they must not employ individuals prohibited by state law from working in a non-public school.

The Department of Economic Development must conduct a study of the program using non-state funds. The Department may contract with qualified researchers to conduct the study.

The provisions of this act expire in six years unless reauthorized.

MICHAEL RUFF

01/22/2008 S First Read--SB 993-Crowell (S116-117)

01/24/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S133)

EFFECTIVE: August 28, 2008

\*\*\* SB 994 \*\*\*

4440S.011

SENATE SPONSOR: Crowell

SB 994 – This act changes from ten percent to twenty percent the maximum percentage of increase in annual compensation from one year to the next in the final average salary period for the Public School Retirement System of Missouri.

MICHAEL RUFF

01/22/2008 S First Read--SB 994-Crowell (S117)

01/24/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S133)

01/30/2008 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 995 \*\*\*

4407S.011

SENATE SPONSOR: Crowell

SB 995 – Current law provides that teachers and other authorized school district personnel are not liable when acting in conformity with established discipline policies. Under this act, teachers and other authorized school district personnel are not liable when acting in conformity with established policies, including but not limited to discipline issues. Unqualified employees who refuse to administer medication or medical services will not be subject to disciplinary action for their refusal. A school district may require an employee to obtain the necessary training to perform such services. A qualified employee will not be held civilly liable for performing such services when acting in good faith and in accordance with standard medical practices. A

school board may develop and implement a program for training employees in CPR and other lifesaving methods. In addition, trained employees will not be held civilly liable for administering CPR or other lifesaving methods in good faith. A person will not be held civilly liable when using an automated external defibrillator under certain circumstances.

This act is identical to SB 399 (2007) and is similar to provisions contained in SCS/HCS/HB 469 (2007).  
MICHAEL RUFF

01/22/2008 S First Read--SB 995-Crowell (S117)

01/24/2008 Second Read and Referred S Education Committee (S133)

EFFECTIVE: August 28, 2008

\*\*\* SB 996 \*\*\*

4630S.011

SENATE SPONSOR: Crowell

SB 996 - This act allows certain health insurance pool members (those not subject to the premium tax assessed under Chapter 148, RSMo) to transfer any current or unused accumulated credits or offsets to their affiliates.

STEPHEN WITTE

01/22/2008 S First Read--SB 996-Crowell (S117)

01/24/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S133)

EFFECTIVE: August 28, 2008

\*\*\* SB 997 \*\*\*

4101S.011

SENATE SPONSOR: Crowell

SB 997 - This act removes language stating that the investment and reinvestment of system moneys by the board of trustees of police and firemen's pension systems shall be subject to any terms, conditions, limitations or restrictions as are imposed by law on life insurance or casualty companies in the state. The act also provides that such boards shall invest the funds of the system as permitted by Sections 105.687 to 105.690, RSMo.

This act is similar to provisions in SB 66 (2007) and HB 1306 (2006).  
ALEXA PEARSON

01/22/2008 S First Read--SB 997-Crowell (S117)

01/24/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S133)

01/30/2008 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 998 \*\*\*

4347S.011

SENATE SPONSOR: Crowell

SB 998 - Section 494.425, RSMo, provides that a convicted felon is disqualified from serving as a juror, "unless his civil rights have been restored." Elsewhere in state law, all convicted felons are disqualified from jury service, without exception. This act deletes the quoted provision from Section 494.425, thus specifying that no convicted felon shall ever be qualified to serve as a juror.

ALEXA PEARSON

01/22/2008 S First Read--SB 998-Crowell (S117)

01/24/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S133)

EFFECTIVE: August 28, 2008

\*\*\* SB 999 \*\*\*

4444S.011

SENATE SPONSOR: Scott

SB 999 - Under current law, only the financial institution whose name is deceptively used may bring a civil action. This act allows the Attorney General to bring an action for unlawful merchandising practices when such a deceptive use occurs.

This act is identical to HB 500 (2008).

CHRIS HOGERTY

01/22/2008 S First Read--SB 999-Scott (S117)

01/24/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S133)

EFFECTIVE: August 28, 2008

\*\*\* SB 1000 \*\*\*

3989S.051

SENATE SPONSOR: Justus

SB 1000 – This act establishes the "Foster Care Education Bill of Rights." Each school district must designate a staff person to be an educational liaison for foster care children. This liaison would assist with proper educational placements, transferring between schools, ensuring transfer of grades and credits, requesting school records, and submitting school records that have been requested.

A child placing agency will promote educational stability for foster care children when making placements. A foster care child may continue to attend his or her school of origin pending resolution of a dispute. The Department of Elementary and Secondary Education will promulgate rules and regulations for assigning transportation costs for pupil placement resulting from a dispute resolution. Each school district must accept for credit any full or partial course work satisfactorily completed by a pupil while attending certain schools. A pupil who completes the graduation requirements of his or her school district of residence while under the jurisdiction of the juvenile court will receive a diploma from the school he or she last attended before detention. The school district superintendent may also issue the diploma.

If a foster care pupil is absent from school because of a change in placement by the court or child placing agency, or because of a verified court appearance or related court-ordered activity, the pupil's grades and credits will be calculated as of the date the pupil left school. Such absence will not result in a lowering of the pupil's grades.

School districts are authorized to permit access of pupil school records to a child placing agency for the purpose of fulfilling educational case management responsibilities required by the juvenile officer or by law and to assist with the school transfer or placement of a pupil.

Each child who is in foster care or who is placed in a licensed residential care facility is entitled to a full school day of education unless the school district determines that fewer hours are warranted. A full school day is defined as six hours under the guidance and direction of teachers in the education process for children in foster care or for children placed for treatment in a licensed residential care facility by the department of social services. The child's family support team may seek mediation with the school district if it disagrees with the school district's determination.

The Department of Elementary and Secondary Education must implement procedures and policies to allow parties to resolve disputes through mediation. The Department must pay for the mediation costs and maintain a list of qualified mediators. Discussions that occur during the mediation process are confidential and may not be used in court or administrative proceedings as described in the act. For children placed for treatment in a licensed residential care facility by the Department of Social Services, the Commissioner of Education will appoint an ombudsman to assist the family support team and school district. The ombudsman will have the final decision over discrepancies regarding school day length. A full school day of education will be provided pending the ombudsman's final decision.

Provisions contained in this act are similar to SB 630 (2007).

MICHAEL RUFF

01/22/2008 S First Read--SB 1000-Justus (S117)

01/24/2008 Second Read and Referred S Seniors, Families and Public Health Committee (S133)

EFFECTIVE: August 28, 2008

\*\*\* SB 1001 \*\*\*

4528S.011

SENATE SPONSOR: Justus

SB 1001 - This section allows a Kansas City festival district's promotional association to obtain a license

to sell intoxicating liquor and nonintoxicating beer for consumption at the businesses and common areas within the festival district. The promotional association may apply for a festival district special license by submitting a plan to the governing body of the city and getting approval by a majority vote. If approved, the association may apply to the Supervisor of Alcohol and Tobacco Control for such license.

Such promotional association may permit customers to leave an establishment within the district after purchasing alcohol and consume the beverage in the district common areas or another establishment, but no person shall be allowed to take a alcoholic beverage outside the festival district boundaries.

If minors are allowed to enter the district, the applicant must ensure they are easily distinguishable from persons of legal age. The permit holder is solely responsible for any alcohol violations occurring within the common areas. The promotional association may be assessed a civil fine of not more than \$5,000 for a violation. If the association is found to be responsible for violations at three separate events, its license shall be revoked and not reissued.

This act is similar to certain provisions of HCS/HB 913 (2007) and SS/SCS/SB 616 (2007).  
SUSAN HENDERSON MOORE

01/22/2008 S First Read--SB 1001-Justus, et al (S117)

01/24/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S133)

02/06/2008 Hearing Scheduled S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 1002 \*\*\*

4531S.011

SENATE SPONSOR: Justus

SB 1002 - Currently, property owners violating certain zoning regulations in municipalities located in Jackson County shall be fined at least \$10 but not more \$500, or imprisoned for ten days, for each day of such violation. For second or subsequent offenses involving the same violation at the same place, the punishment shall be a fine of not less than \$250 but not more than \$1,000, or imprisonment for ten days, for each day of the violation. In all other municipalities, property owners shall be fined at least \$10 but not more than \$100 for each day of the violation, unless the offense was committed wilfully, in which case, the penalty shall be a fine of not less than \$100 but not more than \$250, or imprisonment for ten days, for each day of such violation.

Under this act, a property owner in any city with more than 300,000 inhabitants may be fined at least \$10 but not more \$500, or imprisoned for ten days, for each day of such violation. For second or subsequent offenses involving the same violation at the same place, the punishment shall be a fine of not less than \$250 but not more than \$1,000, or imprisonment for ten days, for each day of the violation.

In all other municipalities, property owners shall be fined not less than \$10 but not more than \$250, or imprisoned for ten days, for each day of the violation. For second or subsequent offenses involving the same violation at the same place, the punishment shall be a fine of not less than \$100 but not more than \$500, or imprisonment for ten days, for each day of the violation.

This act repeals the other version of Section 89.120, RSMo, which was doubly-enacted.  
SUSAN HENDERSON MOORE

01/22/2008 S First Read--SB 1002-Justus, et al (S117)

01/24/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S133)

01/28/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 1003 \*\*\*

4403S.011

SENATE SPONSOR: Bray

SB 1003 - Under this act, petition circulators shall be Missouri residents and shall not be paid on a per signature basis. Persons who have broken laws that would constitute forgery in this state shall not qualify as petition circulators.

Currently, persons who misrepresent themselves on petitions are guilty of a misdemeanor. Under this

act, those who knowingly do so are guilty of a class one election offense.

This act is similar to SB 598 (2007), SB 934 (2008), and SB 909 (2008).  
CHRIS HOGERTY

01/22/2008 S First Read--SB 1003-Bray (S117)

01/24/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S133)

02/04/2008 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

02/04/2008 Bill Combined (SCS/SBs 909, 954, 934 & 1003)

EFFECTIVE: August 28, 2008

\*\*\* SB 1004 \*\*\*

4564S.011

SENATE SPONSOR: Bray

SB 1004 – This act requires the state board of education to classify as unaccredited any charter school that attains an annual performance review score consistent with the classification of "unaccredited" within sixty days of the publication of the annual performance review data. A charter school that is classified as unaccredited for two successive school years will have its charter revoked on June 30th of the second full school year of classification as unaccredited after the school year during which the unaccredited classification is initially assigned.

MICHAEL RUFF

01/22/2008 S First Read--SB 1004-Bray (S117)

01/24/2008 Second Read and Referred S Education Committee (S133)

EFFECTIVE: August 28, 2008

\*\*\* SB 1005 \*\*\*

4591S.011

SENATE SPONSOR: Bray

SB 1005 - This act adopts the Uniform Planned Community Act substantially in conformance to the act drafted and approved by the National Conference of Commissioners on Uniform State Laws in 1980. The act is similar to the Uniform Condominium Act, Chapter 448, RSMo, differing mainly on the nature of planned communities and condominiums. The act contains comprehensive provisions for creating, governing, managing, and terminating planned community developments.

This act is identical to SB 589 (2007).

STEPHEN WITTE

01/22/2008 S First Read--SB 1005-Bray and Griesheimer (S118)

01/24/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S133)

EFFECTIVE: August 28, 2008

\*\*\* SB 1006 \*\*\*

4565S.011

SENATE SPONSOR: Koster

SB 1006 - This act provides that the Children's Division within the Department of Social Services, shall develop rules to become effective by July 1, 2009, modifying the income eligibility criteria for any person receiving state-funded child care assistance, either through vouchers or direct reimbursement to child care providers.

Persons receiving state-funded child care assistance with family incomes of less than 130 percent of the federal poverty level shall receive child care subsidy benefits, less a sliding scale fee established by the division based on family size and income.

A person receiving state-funded child care assistance and whose income surpasses 130 percent of the federal poverty level may continue to receive reduced subsidy benefits on a scale established by the division until such person's income reaches 160 percent of the federal poverty level. At such time, the person will have assumed the full cost of the maximum base child care subsidy rate established by the children's division and shall no longer be eligible for child care subsidy benefits.

If appropriations in a given fiscal year are insufficient to provide the subsidy established under this act for all eligible recipients, the division shall establish a waiting list and promulgate rules for the prioritization of eligible recipients on the waiting list. The sliding fee scale may be waived for children with special needs.

This act is similar to SB 776 (2008) and SCS/SB 260 and 71 (2007).

ADRIANE CROUSE

01/23/2008 S First Read--SB 1006-Koster (S126)

01/24/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S133)

EFFECTIVE: August 28, 2008

\*\*\* SB 1007 \*\*\*

4119S.011

SENATE SPONSOR: Loudon

SB 1007 - This act reinstates the Federal overtime standards in place before the passage of Proposition B (2006).

Currently, the minimum wage is increased or decreased according to fluctuations in the Consumer Price Index.

This act prevents such indexing to exceed the federal rate beginning January 1, 2010.

Currently, employers may pay tipped employees half of the Missouri minimum wage if their total compensation, including tips, equals the Missouri minimum wage. This act allows employers to pay such employees \$2.13 per hour if their total compensation, including tips, equals the Missouri minimum wage.

This act is similar to SB 255, 249 & 279 (2007).

CHRIS HOGERTY

01/23/2008 S First Read--SB 1007-Loudon (S126)

01/24/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S133)

02/05/2008 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee

EFFECTIVE: Emergency

\*\*\* SB 1008 \*\*\*

4529S.011

SENATE SPONSOR: Loudon

SB 1008 - This act allows the director of the Department of Insurance, Financial Institutions, and Professional Registration to promulgate rules establishing the specific format for submissions of rate filings, rules, license applications, and other insurance-related filings. The act also provides that the filings of records and signatures is authorized when carried out in a manner consistent with the Federal Electronic Signatures in Global and National Commerce Act. The act also allows automobile insurers to send automobile policy renewal notices electronically as an alternative to sending such notices by first class mail.

STEPHEN WITTE

01/23/2008 S First Read--SB 1008-Loudon (S126)

01/24/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S133)

02/05/2008 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 1009 \*\*\*

4647S.011

SENATE SPONSOR: Loudon

SB 1009 - This act modifies the current legal requirement that funds conveyed to settlement agents in real estate closings be certified funds. Under this act, the certified funds requirement shall only apply when a settlement agent accepts funds greater than \$2,500 from a buyer, seller or certain lenders.

STEPHEN WITTE

01/23/2008 S First Read--SB 1009-Loudon (S126)

01/24/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S133)

EFFECTIVE: August 28, 2008

\*\*\* SB 1010 \*\*\*

4625S.011

SENATE SPONSOR: Nodler

SB 1010 - This act authorizes the Governor to convey state property in Jasper County to Missouri Southern State University. The property shall not be conveyed until the Joplin Regional Center has been relocated to different property.

SUSAN HENDERSON MOORE

01/24/2008 S First Read--SB 1010-Nodler (S130)

01/28/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S141)

02/06/2008 Hearing Scheduled S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 1011 \*\*\*

4476S.011

SENATE SPONSOR: Griesheimer

SB 1011 - This act modifies provisions of the liquor control.

#### SECTION 311.265

No new license shall be issued to a retail premises that was previously occupied by a retailer that is currently delinquent beyond the permissible ordinary commercial credit period. Applicants at a previously licensed retail premises shall provide verification that the previous retailer is not indebted to the wholesaler.

#### SECTIONS 311.332-311.338

These section repeal provisions regarding wholesaler price regulations.

Any charitable or religious organization or educational institution that holds an event with donated alcohol shall report the location of the event to the Supervisor of Alcohol and Tobacco Control three business days in advance. The report of each event shall include permission from the property owner and city, a description of the premises, and the date of the event.

#### SECTION 311.630

Currently, employees selected by the division as peace officers have the power to make arrests, searches, and seizures for alcohol control violations and may serve any process connected with the enforcement of such violations. Under this section, such employees designated as peace officers shall also have the power to make arrests, searches, or seizures for any criminal offense, except criminal gambling, witnessed during an investigation of an alcohol control violation. When using such powers, the peace officer shall notify the local law enforcement prior to making an arrest, except when there are life threatening circumstances. In such cases, the peace officer shall immediately notify the sheriff or police department of the respective county or city after making the arrest. Such peace officers shall also have the authority to arrest, search, or seize, in connection with any offense, when acting at the request of local law enforcement.

SUSAN HENDERSON MOORE

01/24/2008 S First Read--SB 1011-Griesheimer (S130)

01/28/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S141)

EFFECTIVE: August 28, 2008

\*\*\* SB 1012 \*\*\*

3123S.061

SENATE SPONSOR: Wilson

SB 1012 - This act allows the governing bodies of any city in this state to designate duty free zones within such city and grant such areas tax favored status for a term not to exceed twenty-three years. Tax favored status is defined as a reduction to or elimination of the rate of tax on transactions imposed under Missouri's sales and use tax laws. Duty free zones may only be established in blighted areas located within qualified census tracts. The act requires the governing body of a municipality to hold public hearings prior to the

adoption of an ordinance designating an area of such municipality as a duty free zone. The act requires the governing body to provide notice of such hearings to affected taxing districts and the public. Upon receiving municipal approval, the designation must be approved, at the same rate of tax and term, by the county in which the city is located and by the Missouri Development Finance Board.

Upon the issuance of a certificate of approval from the Missouri Development Finance Board, any business located within a duty free zone may receive tax favored status for a term not to exceed fifteen years. In order to receive tax favored status, a business owner must report the amount of taxes deferred, on an availability basis, for the duration of the time in which it receives tax favored status. Municipalities are prohibited from having more than one duty free zone in existence, within such municipality, at any given time.

The act contains a contingent effective date. The provisions of the act will become effective upon voter approval of a constitutional amendment authorizing tax free or reduced tax zones for the purpose of promoting economic development.

JASON ZAMKUS

01/24/2008 S First Read--SB 1012-Wilson and Coleman (S130)

01/28/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S141)

EFFECTIVE: Contingent

\*\*\* SB 1013 \*\*\*

4645S.021

SENATE SPONSOR: Wilson

SB 1013 – This act creates the Missouri Senior Cadet Program, which will provide opportunities for twelfth graders in public school to mentor kindergarten through eighth grade students as described in the act. Participating students must be Missouri residents attending a Missouri high school, maintain a 3.0 GPA and plan to attend college. Twelfth graders who donate ten hours per week during the academic year will receive one elective credit that may be used to fulfill graduation requirements. If a student attends a public college or university located in Missouri after participating in the program, the state will provide a reimbursement in the amount of three credit hours per semester for up to four years. The provisions of this act will expire in six years unless reauthorized.

This act is similar to SB 921 (2006).

MICHAEL RUFF

01/24/2008 S First Read--SB 1013-Wilson and Smith (S130)

01/28/2008 Second Read and Referred S Education Committee (S141)

EFFECTIVE: August 28, 2008

\*\*\* SB 1014 \*\*\*

4638S.021

SENATE SPONSOR: Wilson

SB 1014 – This act creates the Volunteer and Parents Incentive Program, to be implemented and administered by the Department of Elementary and Secondary Education. Under the program, the Department will provide a reimbursement to parents or volunteers who donate time at certain schools. To be eligible, individuals must donate time at a school in a district that is unaccredited or provisionally accredited, or has a population of at least 50% at risk students as described in the act. For every one hundred hours donated by a volunteer or parent, the department will provide him or her with a reimbursement for the cost of three credit hours at a public institution of higher learning located in Missouri. The reimbursement cannot exceed \$500 every two years. The provisions of this act will expire in six years unless reauthorized.

MICHAEL RUFF

01/24/2008 S First Read--SB 1014-Wilson (S130)

01/28/2008 Second Read and Referred S Education Committee (S141)

EFFECTIVE: August 28, 2008

\*\*\* SB 1015 \*\*\*

4021S.021

SENATE SPONSOR: Mayer

SB 1015 - This act allows the Commissioner of Administration to deduct cafeteria plan administrative fees

and any amount necessary for the participation in the cafeteria plan from the employee's compensation warrant, unless the employee affirmatively elects not to participate in the plan.

This act is identical to HB 1535 (2008).

CHRIS HOGERTY

01/24/2008 S First Read--SB 1015-Mayer (S130)

01/28/2008 Second Read and Referred S Health and Mental Health Committee (S142)

EFFECTIVE: August 28, 2008

\*\*\* SB 1016 \*\*\*

4388S.011

SENATE SPONSOR: Mayer

SB 1016 - This act dissolves the Legal Services for Low-Income Person Fund and provides that the portion of money that was being transferred into such fund from the Tort Victims' Compensation Fund, in addition to any money remaining in the Legal Services for Low-Income Person Fund, shall now be transferred to the Basic Civil Legal Services Fund. Such funds shall continue to be distributed to qualifying state legal service organizations that provide legal services to eligible low-income persons.

This act is identical to HB 1621 (2008).

ALEXA PEARSON

01/24/2008 S First Read--SB 1016-Mayer (S130)

01/28/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S142)

EFFECTIVE: August 28, 2008

\*\*\* SB 1017 \*\*\*

4153S.011

SENATE SPONSOR: Mayer

SB 1017 - This act requires railroad, bridge, and public utility companies to provide school districts a written report, setting out all real and personal property owned by such companies which is located within school district boundaries, within thirty days of receipt of a written request from school districts.

JASON ZAMKUS

01/24/2008 S First Read--SB 1017-Mayer (S130)

01/28/2008 Second Read and Referred S Education Committee (S142)

EFFECTIVE: August 28, 2008

\*\*\* SB 1018 \*\*\*

4649S.011

SENATE SPONSOR: Rupp

SB 1018 - This act allows municipalities in St. Charles County to adopt necessary ordinances for the well-being of the community and enforce such ordinances with a fine not to exceed \$1000 or three months of imprisonment. Currently, municipalities in St. Louis County may adopt and enforce such ordinances.

SUSAN HENDERSON MOORE

01/24/2008 S First Read--SB 1018-Rupp (S130)

01/28/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S142)

EFFECTIVE: August 28, 2008

\*\*\* SB 1019 \*\*\*

3360S.011

SENATE SPONSOR: Bray

SB 1019 - This act prohibits discrimination based upon a person's sexual orientation. Such discrimination includes unlawful housing practices, denial of loans or other financial assistance, denial of membership into an organization relating to the selling or renting of dwellings, unlawful employment practices, and denial of the right to use public accommodations.

This act defines "sexual orientation" as male or female heterosexuality, homosexuality, or bisexuality by inclination, practice, identity or expression, or having a self-image or identity not traditionally associated with

one's biological gender.

The act also specifies that discrimination includes cases where unfair treatment results from the guilty party's mere assumptions about the victim's characteristics of race, religion, etc., whether or not such assumptions are true or false.

This act is identical to SB 266 (2007).  
SUSAN HENDERSON MOORE

01/24/2008 S First Read--SB 1019-Bray, et al (S130)

01/28/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S142)

EFFECTIVE: August 28, 2008

\*\*\* SB 1020 \*\*\*

4691S.011

SENATE SPONSOR: Bray

SB 1020 - This act brings Missouri sales and use tax laws into compliance with the streamlined sales and use tax agreement.

Compliance involves modifying many sections throughout Missouri law, based upon meeting the following criteria:

- (1) The sourcing of sales must be changed to be based on receipt. This means that current law is modified, where necessary, to consider the point of sale, and thus the applicable tax rate, to be the point of receipt of the product;
- (2) When a city annexes property, the change to the tax rate will take place on the first day of the second calendar quarter after the Director of Revenue receives notice of the boundary change;
- (3) The same provisions as in (2) shall apply to rate changes;
- (4) All sales taxes must be administered at the state level if they are not already;
- (5) All state and local sales taxes must have the same base. This means that exemptions at the state and local level must be identical;
- (6) Certain definitions, including a definitions for "delivery charges", "food" "lease or rental", "purchase price", "sales price", "tangible personal property" and other modified definitions, must be adopted from the streamlined sales and use tax agreement;
- (7) The Department of Revenue can require electronic filing and payment of the sales and use tax;
- (8) Registration for out of state sellers is simplified and no bond is required;
- (9) No caps or thresholds may exist on the collection of sales or use taxes; and
- (10) Out of state sellers must be offered uniform, simplified, electronic filing.

The act is similar to Senate Bill 576 (2007), Senate Bill 1173 (2006), and Senate Bill 399 (2005).  
JASON ZAMKUS

01/24/2008 S First Read--SB 1020-Bray, et al (S130-131)

01/28/2008 Second Read and Referred S Ways & Means Committee (S142)

EFFECTIVE: August 28, 2008

\*\*\* SB 1021 \*\*\*

4656S.011

SENATE SPONSOR: Loudon

SB 1021 - This act creates a "Board of Direct-Entry Midwives" within the Division of Professional Registration. The board shall have the power to issue licenses and to suspend, revoke or deny the license of a direct-entry midwife. The board shall develop practice guidelines regarding the practice of midwifery established by the National Association of Certified Professional Midwives, including the development of collaborative relationships with other healthcare practitioners who can provide care outside the scope of midwifery when necessary.

A direct-entry midwife is defined as one who is certified by the North American Registry of Midwives (NARM) as a certified professional midwife providing for compensation those skills relevant to the care of women and infants before, during, and after birth. The practice of direct-entry midwifery is defined as the science and art of examination, evaluation, assessment, counseling and treatment of women and infants by those methods commonly taught in any midwifery school, college or midwifery program in a university which has been accredited by the Midwifery Education Accreditation Council. The practice does not include use of operative surgery, nor the prescribing of drugs. The practice is not the practice of medicine, osteopathy,

nursing or nurse-midwifery.

This act is substantially similar to SB 303 (2007).

ADRIANE CROUSE

01/24/2008 S First Read--SB 1021-Loudon, et al (S131)

01/28/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S142)

02/06/2008 Hearing Scheduled S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 1022 \*\*\*

4120S.011

SENATE SPONSOR: Coleman

SB 1022 - Under the proposed act, the statutory penalties and attorney fees associated with a vexatious refusal to pay claim are made mandatory. Under current law, the statutory penalties and attorney fees associated with a vexatious refusal to pay claim are discretionary in that the court or jury may award such damages or attorney fees. In addition to the mandatory penalties, the proposed act provides that a claimant shall be entitled to a reasonable attorney's fee if a vexatious refusal to pay dispute is resolved through compromised settlement.

STEPHEN WITTE

01/24/2008 S First Read--SB 1022-Coleman (S131)

01/28/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S142)

EFFECTIVE: August 28, 2008

\*\*\* SB 1023 \*\*\*

3062S.021

SENATE SPONSOR: Coleman

SB 1023 – This act creates a procedure for recalling school board members. A recall election shall be held upon the submission of a petition signed by at least 25% of the number of voters who voted in the last school board election.

If a majority of voters vote to retain the school board member at issue, the member shall remain in office and cannot be subject to another recall election during his or her term. If a majority of voters vote to remove the member, the successor member will be chosen in the same manner as vacancies are filled for any seven member district.

This act is similar to SB 922 (2004), SB 112 (2005), SB 448 (2007).

MICHAEL RUFF

01/24/2008 S First Read--SB 1023-Coleman (S131)

01/28/2008 Second Read and Referred S Education Committee (S142)

EFFECTIVE: August 28, 2008

\*\*\* SB 1024 \*\*\*

3344S.041

SENATE SPONSOR: Scott

SB 1024 - Currently, the state legal expense fund is liable, excluding punitive damages, for all economic damages to any one claimant and up to \$350,000 for noneconomic damages for any judgment against a state officer or employee for claims arising from the operation of a motor vehicle or from causing a dangerous condition of property. This act limits the amount of liability for such claims to 2 million dollars for all claims arising from a single occurrence, and \$300,000 for any one person in a single accident or occurrence.

If these two types of claims are brought against the state or state entities and are also brought against an officer or employee thereof, the maximum allowable recovery shall be reduced by any amount paid towards the claim by the state, its entities, its officers or employees, or anyone acting on their behalf.

Current law provides that state entities waive their immunity for liability for claims arising from the operation of a motor vehicle, up to the dollar amount provided in current law. This act provides that if an operator of a motor vehicle owned or operated on behalf of the state or its entities is found to be immune from liability for any reason, the state or its public entities shall have no liability.

The act also repeals provisions of current law that allow a plaintiff in a negligence action against the Department of Transportation to request that the case be arbitrated.

This act is similar to SB 78 (2007).  
ALEXA PEARSON

01/28/2008 S First Read--SB 1024-Scott (S138)

01/30/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S153)

EFFECTIVE: August 28, 2008

\*\*\* SB 1025 \*\*\*

4701S.011

SENATE SPONSOR: Scott

SB 1025 - Under current law, a person may grant the right of sepulcher to any person as long as the designation is made in a written instrument meeting certain qualifications under current law, however, such a designation will not supersede the rights of the deceased's spouse or certain family members. This act deletes the provisions of law allowing for such a designation, and instead provides that an attorney in fact designated in a durable power of attorney that specifically grants the right of sepulcher shall have first priority for the purposes of determining who has the right to choose and control the burial, cremation, or other final disposition of the deceased designee's body.

This act is identical to provisions within SB 659 (2007).  
ALEXA PEARSON

01/28/2008 S First Read--SB 1025-Scott (S138)

01/30/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S153)

EFFECTIVE: August 28, 2008

\*\*\* SB 1026 \*\*\*

4692S.011

SENATE SPONSOR: Scott

SB 1026 - This act designates a portion of State Highway 13 as the "Rick Seiner Memorial Highway".  
STEPHEN WITTE

01/28/2008 S First Read--SB 1026-Scott (S138)

01/30/2008 Second Read and Referred S Transportation Committee (S153)

02/06/2008 Hearing Scheduled S Transportation Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 1027 \*\*\*

4746S.011

SENATE SPONSOR: Smith

SB 1027 - This act requires charter schools whose mission includes student drop-out prevention or recovery to enroll nonresident pupils from an adjacent county who submit a timely application. Preference will be given to resident pupils over non-resident pupils if there is insufficient capacity.

MICHAEL RUFF

01/28/2008 S First Read--SB 1027-Smith (S138)

01/30/2008 Second Read and Referred S Education Committee (S153)

EFFECTIVE: August 28, 2008

\*\*\* SB 1028 \*\*\*

4699S.011

SENATE SPONSOR: Justus

SB 1028 - This act requires the administering agency of any tax credit program now, or hereafter, authorized under Missouri law to report to the State Auditor: the name and address of the applicant; the amount of tax credits issued to such applicant; and the program under which the tax credit is authorized. The Department of Revenue is required to provide similar information to the State Auditor regarding taxpayers upon the redemption of state tax credits. The information provided to the State Auditor will be made available for public inspection on the Auditor's website.

JASON ZAMKUS

01/28/2008 S First Read--SB 1028-Justus (S138)

01/30/2008 Second Read and Referred S Ways &amp; Means Committee (S153)

EFFECTIVE: August 28, 2008

\*\*\* SB 1029 \*\*\*

4685S.011

SENATE SPONSOR: Rupp

SB 1029 - This act establishes the Market Conduct Surveillance Act. The act is based upon a model act adopted by the National Conference of Insurance Legislators (NCOIL). If adopted, the act would, among other things:

- (1) Establish methods for collecting marketplace data;
- (2) Allow domiciliary states to have responsibility to perform market conduct surveillance;
- (3) Enhance state collaboration;
- (4) Sets forth a continuum of market conduct actions to be considered prior to undertaking targeted market conduct exams;
- (5) Require Missouri participate in an enhanced NAIC National Consumer Complaint Database;
- (6) Incorporate and encourage use of other NAIC work products, such as the NAIC Market Analysis Handbook, Examination Tracking System, and Market Conduct Uniform Examination Procedures; and
- (7) Set forth a structure for performing targeted market conduct examinations, including examination announcement requirements, authorization to accept an examination conducted by other states, work plan and budget requirements, timelines for delivering market conduct examination reports, and examination cost assessment provisions.

The act requires the director to share information and coordinate market analysis and examination efforts with other states through NAIC. This includes reporting data to NAIC systems, such as the Complaint Database System, the Examination Tracking System, and the Regulatory Informational Retrieval system, so that other states can review the data and avoid duplicative examinations.

The act also includes provisions regarding the director's authority to access insurer books and records, confidentiality requirements regarding insurer documents, conflict-of-interest prohibitions, and immunity for market conduct surveillance personnel.

This act is virtually identical to SB 483 (2007).

STEPHEN WITTE

01/28/2008 S First Read--SB 1029-Rupp (S138)

01/30/2008 Second Read and Referred S Small Business, Insurance &amp; Industrial Relations Committee (S153)

EFFECTIVE: August 28, 2008

\*\*\* SB 1030 \*\*\*

4761S.011

SENATE SPONSOR: Rupp

SB 1030 - This act repeals Section 205.920 that allows the Department of Labor to deputize the county superintendent of public welfare for the purposes of industrial inspection.

Chapters 291 and 292 are also repealed in their entirety. These chapters deal with occupational health and safety and mining regulations.

CHRIS HOGERTY

01/28/2008 S First Read--SB 1030-Rupp (S138)

01/30/2008 Second Read and Referred S Small Business, Insurance &amp; Industrial Relations Committee (S153)

EFFECTIVE: August 28, 2008

\*\*\* SB 1031 \*\*\*

4150S.02I

SENATE SPONSOR: Koster

SB 1031 - This act increases the penalty for parental kidnapping from a Class D felony to a Class C felony when the parent commits the offense by detaining or concealing the whereabouts of the child for not less than 60 days but not longer than 119 days. The crime shall be a Class B felony if the parent detains or conceals the child for not less than 120 days.

SUSAN HENDERSON MOORE

01/28/2008 S First Read--SB 1031-Koster, et al (S138)

01/30/2008 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S153)

EFFECTIVE: August 28, 2008

\*\*\* SB 1032 \*\*\*

3727S.04I

SENATE SPONSOR: Dempsey

SB 1032 - Under current law, certain dangerous wild animals may not be kept unless they are registered with local law enforcement except if the animals are kept in a zoo, circus, scientific or educational institution, research laboratory, veterinary hospital or animal refuge. This act removes the exception for animal refuges. The act also adds the criteria that research laboratories and scientific and educational institutions must be accredited, veterinary hospitals must be permitted by the Missouri Veterinary Medical Board, and zoos must be accredited by the Association of Zoos and Aquariums in order for the exception to apply.

The act specifies that the law enforcement agency responsible for receiving the registrations is the chief law enforcement official in each county or in the City of St. Louis, or his or her designee.

Any such dangerous wild animal shall be registered within five days of being acquired or moved into any county or the city of St. Louis. The act adds the requirement that registration of such animals must be renewed annually.

The chief law enforcement official in each county or in St. Louis is required to maintain the registry of dangerous wild animals and make the registry available for disaster preparedness, emergencies, and to the general public via a website. The official can charge a registration fee to cover the administrative expenses associated with maintaining the registry not to exceed \$50 for a first registration or \$25 for a renewal registration.

The act specifies the information that must be recorded as part of the animal's registration.

Any animal required to be registered under this act shall be identifiable by a microchip or other reliable identification device.

The act prohibits the bringing of any such dangerous wild animal to a public, commercial, or retail establishment unless it is a veterinarian or veterinary clinic. The animals shall not come into contact with anyone other than the owner, possessor, handler, or veterinarian.

A violation of the act is a Class A misdemeanor.

ERIKA JAQUES

01/28/2008 S First Read--SB 1032-Dempsey (S139)

01/30/2008 Second Read and Referred S Agriculture, Conservation, Parks &amp; Natural Resources Committee (S153)

02/05/2008 Re-referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 1033 \*\*\*

4734S.01I

SENATE SPONSOR: Griesheimer

SB 1033 - Currently, no transfer of title of real property to a county or other political subdivision by donation or dedication shall be valid for recording unless it has been proved or acknowledged. This act

specifies that water and sewer line easements shall not be considered transfers of title under this provision and therefore are not subject to such requirements.

This act is identical to HB 1603 (2008).

SUSAN HENDERSON MOORE

01/28/2008 S First Read--SB 1033-Griesheimer (S139)

01/30/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S153)

EFFECTIVE: August 28, 2008

\*\*\* SB 1034 \*\*\*

4360S.011

SENATE SPONSOR: Mayer

SB 1034 - This act modifies the current record-keeping requirements for purchases of copper scrap metal and also applies such record-keeping requirements to purchases of aluminum scrap metal. The act requires that a separate record be maintained in either written or electronic form for each applicable transaction of copper or aluminum scrap metal. The act adds pipe, tubing, bars, ingots, rods, fittings, fasteners, and farming-related materials to the kinds of copper or aluminum items for which a transaction record must be kept.

A copy of the scrap metal seller's operator's license or other state or federally-issued photo identification must be kept in the transaction record, as well as the date, time, and place of each such transaction. The act removes the requirement that the scrap metal seller's residence or place of business address be retained in the record.

Records must be kept for two years after the date the scrap metal was purchased and shall be available for inspection by any law enforcement officer.

The act modifies the penalty for violating the record-keeping requirements by removing the specified fine and jail term ranges, and instead making a violation a Class A misdemeanor.

The act exempts certain scrap metal transactions from the record-keeping requirements: when the total sale amount is not more than \$50; when the seller is a known scrap metal dealer; when the seller has an existing business relationship with the purchaser and is reasonably expected to generate scrap metal; and when the copper or aluminum is a minor part of a larger item being sold, except for electrical power generation or telecommunications equipment.

Scrap metal dealers are prohibited from knowingly purchasing or possessing a whole or partial metal beer keg on premises used by the dealer to alter scrap metal. A violation of this provision is a Class A misdemeanor with a penalty of only a fine.

Scrap yards are prohibited from purchasing cast iron manhole covers from anyone other than a person who is authorized by the manholes' owner to sell such manhole covers. A violator of this provision shall be subject to a fine of at least \$25 but not more than \$500, or to a jail term of at least 30 days but not more than six months, or both such penalties.

Payments by scrap metal dealers larger than \$50 shall be made by check.

This act is similar to HB 1512 (2008), SB 683 (2007) and HB 547 (2007).

ERIKA JAQUES

01/28/2008 S First Read--SB 1034-Mayer (S139)

01/30/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S153)

02/04/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 1035 \*\*\*

4256S.021

SENATE SPONSOR: Scott

SB 1035 - This act prohibits a person from bringing civil action for an unlawful merchandising practice against any motor vehicle dealer other than the motor vehicle dealer directly involved in the retail transaction.

ERIKA JAQUES

01/28/2008 S First Read--SB 1035-Scott (S139)  
 01/30/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S153)  
 02/05/2008 Re-referred S Commerce, Energy and the Environment Committee

EFFECTIVE: August 28, 2008

\*\*\* SB 1036 \*\*\*

3055S.011

SENATE SPONSOR: Coleman

SB 1036 - Under the provisions of this act, the Coordinating Board for Higher Education will provide up to twenty-five tuition grants to the surviving spouses and children of any member of the military who served in armed combat and who was killed in the line of duty and who was, at the time of enlistment and death, a citizen of Missouri. The grants will pay up to fifty percent of the survivors' tuition costs, the actual cost of books up to five hundred dollars per semester, and up to two thousand dollars per semester for room and board. Such grants will continue to be awarded annually to eligible recipients as long as the recipient achieves and maintains a cumulative grade point average of at least two and one-half on a four point scale, or its equivalent. If the waiting list of eligible survivors exceeds fifty, the coordinating board may petition the general assembly to expand the quota, or shall extend the eligibility of those on the waiting list.

The act delineates specific eligibility criteria for both the recipients and the higher education institutions. The Coordinating Board will administer the program.

The provisions of this act shall automatically sunset in six years, unless reauthorized.

This act is similar to SB 572 (2006) and SCS/SB 12 (2007).

ALEXA PEARSON

01/28/2008 S First Read--SB 1036-Coleman and Engler (S139)  
 01/30/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S153)

EFFECTIVE: August 28, 2008

\*\*\* SB 1037 \*\*\*

4651S.011

SENATE SPONSOR: Shields

SB 1037 - This act modifies the calculation of the state adequacy target under the elementary and secondary education school funding formula. Current law provides that a recalculation will never result in a decrease from the previous state adequacy target. This act provides that a recalculation will never result in a decrease of 102% of the previous state adequacy target amount.

MICHAEL RUFF

01/28/2008 S First Read--SB 1037-Shields (S139)  
 01/30/2008 Second Read and Referred S Education Committee (S153)

EFFECTIVE: August 28, 2008

\*\*\* SB 1038 \*\*\*

4464S.011

SENATE SPONSOR: Shields

SB 1038 - This act repeals the campaign contribution limits for certain candidates running for office.

Individuals and committees required to file campaign disclosure reports shall electronically file contributions exceeding \$5,000 within 48 hours of receiving the contribution.

CHRIS HOGERTY

01/28/2008 S First Read--SB 1038-Shields (S139)  
 01/30/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S153)

EFFECTIVE: August 28, 2008

\*\*\* SB 1039 \*\*\*

4804S.011

SENATE SPONSOR: Clemens

SB 1039 - This act requires the county commission of Christian County, upon voter approval of a county sales tax for central dispatching of emergency services, to appoint a seven-member board to administer the funds and oversee the provision of emergency services. The board shall include at least one member from each of the following categories: 1) the chairman of the board of directors of a fire protection district or ambulance district located in the county, 2) the county sheriff, 3) the chief law enforcement officer of a municipal police department within the county, 4) and the chief administrator of any of the county's emergency management organizations. The county commission shall relinquish all powers relating to emergency services to the board.

This act is similar to HB 1711 (2008).

SUSAN HENDERSON MOORE

01/29/2008 S First Read--SB 1039-Clemens (S146)

01/31/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S159)

EFFECTIVE: August 28, 2008

\*\*\* SB 1040 \*\*\*

4435S.021

SENATE SPONSOR: Clemens

SB 1040 - Current law allows sewer districts and water districts in counties of the first classification and the city of St. Louis to receive grants and loans for storm water control projects. This act limits eligibility for sewer and water districts to only those considered "public."

Current law requires the Department of Natural Resources to provide both grants and loans using the funds resulting from the issuance of storm water control bonds. This act modifies this requirement so that both are no longer simultaneously required, but either one is still permissible.

The act removes the requirement that 50% of the proceeds from the bonds be allocated to grants and 50% to loans.

Once the initial offer of grants or loans has been made to all eligible recipients, the act allows any remaining funds to be given to grant or loan recipients who need additional funding in proportions as described in the act.

The act allows repayments of storm water loans and applicable interest to be deposited in the Storm Water Loan Revolving Fund, which is created by the act, and authorizes the monies in the Fund to be used to finance and construct storm water control plans, studies, and projects. Unexpended balances shall not be subject to biennial transfer to the General Revenue Fund and the Fund shall retain its interest.

The act repeals a doubly enacted section.

The effective date of the act is contingent upon the passage of a constitutional amendment regarding the financing and constructing of storm water control plans, studies, and projects.

ERIKA JAQUES

01/29/2008 S First Read--SB 1040-Clemens (S146)

01/31/2008 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S159)

EFFECTIVE: Contingent

\*\*\* SB 1041 \*\*\*

4563S.011

SENATE SPONSOR: Green

SB 1041 - This act prohibits a utility or its HVAC affiliate from selling and installing home generators unless there are no existing HVAC service providers in the service area.

This act is similar to HB 1164 (2007).

ERIKA JAQUES

01/29/2008 S First Read--SB 1041-Green (S146)

01/31/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S160)

EFFECTIVE: Contingent

\*\*\* SB 1042 \*\*\*

4749S.011

SENATE SPONSOR: McKenna

SB 1042 – This act modifies teacher and school employee retirement plans. Members of the Public School Retirement System (PSRS) who have retired, are age 75 or older, and have received certain cost-of-living increases totaling 80% of the retirement allowance established at retirement prior to January 1, 2009, will be made special consultants as described in the act. From January 1, 2009 through January 1, 2014, they will receive an amount equal to \$5 per month multiplied by their years of service. This amount will be added to their monthly annuity.

Members of the Public Education Employee Retirement System (PEERS) who have retired, are age 75 or older, and have received certain cost-of-living increases totaling 80% of the retirement allowance established at retirement prior to January 1, 2009, will be made special consultants as described in the act. From January 1, 2009, through January 1, 2014, they will receive an amount equal to \$3 per month multiplied by their years of service. This amount will be added to their monthly annuity.

This act is similar to HCS/HB 661 (2007).

MICHAEL RUFF

01/29/2008 S First Read--SB 1042-McKenna, et al (S146)

01/31/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S160)

EFFECTIVE: August 28, 2008

\*\*\* SB 1043 \*\*\*

3982S.011

SENATE SPONSOR: Ridgeway

SB 1043 - This act requires health carriers that provide in-network chiropractic benefits to provide coverage for services rendered by an out-of-network chiropractic physician if the health carrier provide out-of-network benefits for other health care services.

STEPHEN J. WITTE

01/29/2008 S First Read--SB 1043-Ridgeway (S146)

01/31/2008 Second Read and Referred S Health and Mental Health Committee (S160)

EFFECTIVE: August 28, 2008

\*\*\* SB 1044 \*\*\*

4796S.011

SENATE SPONSOR: Stouffer

SB 1044 - Under current law each ground ambulance is required to be staffed with at least two licensed individuals when transporting a patient, except for certain counties which are allowed to have only one licensed emergency medical technician, registered nurse or physician in attendance. This act adds Saline and Lafayette counties to the list of counties that are allowed to have only one licensed individual in attendance.

ADRIANE CROUSE

01/29/2008 S First Read--SB 1044-Stouffer (S146)

01/31/2008 Second Read and Referred S Economic Development, Tourism &amp; Local Government Committee (S160)

EFFECTIVE: August 28, 2008

\*\*\* SB 1045 \*\*\*

4613S.011

SENATE SPONSOR: Dempsey

SB 1045 - This act allows criminal charges to be filed against a mother for any harm to an unborn child resulting from the mother's intentional and unlawful ingestion or use of controlled substances.

This act is substantially similar to HB 1530 (2008).

ADRIANE CROUSE

01/29/2008 S First Read--SB 1045-Dempsey (S146)

01/30/2008 Bill Withdrawn (S153)

EFFECTIVE: August 28, 2008

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\*\*\* SB 1046 \*\*\*

4744S.011

SENATE SPONSOR: Mayer

SB 1046 - Under this act, the employment-at-will doctrine shall not control when elements of a whistle-blower cause of action for wrongful discharge are established. This cause of action is established if an employee proves by a preponderance of the evidence that the employee reported to the proper authorities conduct that the employee had a good faith and reasonable belief violated a statute, constitutional provision, or regulation and a clearly mandated public policy; the employee was discharged; and the act of reporting was the exclusive factor in the discharge.

Similarly, the employment-at-will doctrine shall not control when elements of a refusal to commit an illegal act cause of action for wrongful discharge in violation of public policy are established. This cause of action is established if an employee proves by a preponderance of the evidence that the employer directed the employee to perform conduct that would, if completed, violate a statute, constitutional provision, or regulation and a clearly mandated public policy; the employee specifically refused to perform the act; the employee was discharged; and the refusal to perform the act was the exclusive factor in the discharge.

This act is similar to HB 1456 (2006) and SB 168 (2007).

CHRIS HOGERTY

01/29/2008 S First Read--SB 1046-Mayer (S146)

01/31/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S160)

EFFECTIVE: August 28, 2008

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\*\*\* SB 1047 \*\*\*

4811S.011

SENATE SPONSOR: Vogel

SB 1047 - This act modifies the definition of "special education pupil count" in the elementary and secondary foundation formula by including nonpublic students served through the federal Individual with Disabilities Education Act by the school district in which the nonpublic school is located.

MICHAEL RUFF

01/29/2008 S First Read--SB 1047-Vogel, et al (S146)

01/31/2008 Second Read and Referred S Education Committee (S160)

02/06/2008 Hearing Scheduled S Education Committee

EFFECTIVE: August 28, 2008

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\*\*\* SB 1048 \*\*\*

4614S.021

SENATE SPONSOR: Kennedy

SB 1048 - This act modifies the law regarding trademark registration.

The act provides that when determining if a trademark meets the qualifications to be registered, the Secretary of State's duty shall be limited to examination of the registration records.

Current law provides that an application for a trademark shall include, among other items, the date when the mark was first used. This act provides that an application for a trademark may be filed if the applicant provides a signed statement indicating an intent to use the mark on or in connection with the goods or services listed in the application. The application shall include a specimen or facsimile of the mark for each class of goods or services for which the applicant would like to register such mark.

The act raises the fee for filing an application for trademark registration from fifty to seventy-five dollars, and specifies that the additional five dollar fee assessed on all fees in this act may also be assessed against each separate class for which an application is filed. The act also raises the fee for recording of an assignment of a trademark registration from fifty to seventy-five dollars, and raises the trademark renewal fee

from ten to twenty dollars.

The act also specifies several classes of goods and services for which trademark applications may be filed.

The Secretary of State is authorized to promulgate rules to implement the provisions of this act.

This act is identical to HB 585 (2007).

ALEXA PEARSON

01/30/2008 S First Read--SB 1048-Kennedy (S152)

01/31/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S160)

EFFECTIVE: August 28, 2008

\*\*\* SB 1049 \*\*\*

4812S.011

SENATE SPONSOR: Kennedy

SB 1049 - Under current law, purchases of materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of aircraft engaged as common carriers of people and property are exempt from state and local sales tax. This act would expand the exemption to apply to all aircraft from January 1, 2009 to January 1, 2015.

JASON ZAMKUS

01/30/2008 S First Read--SB 1049-Kennedy (S152)

01/31/2008 Second Read and Referred S Ways & Means Committee (S160)

EFFECTIVE: August 28, 2008

\*\*\* SB 1050 \*\*\*

4810S.011

SENATE SPONSOR: Crowell

SB 1050 - This act shall be known as the "Asbestos and Silica Claims Priorities Act".

The act requires that any claimant in an action alleging an asbestos or silica claim must file together with the complaint or other initial pleading a narrative medical report and diagnosis signed by a qualifying physician, accompanied by supporting test results, constituting prima facie evidence of the claimant's asbestos-related or silica-related injury. If the court finds that the claimant has failed to make the required prima facie showing, the claim shall be dismissed without prejudice. Claimants are also required to file a sworn information form containing all of the information listed in this act.

No asbestos or silica claims shall be filed on behalf of a class or group, other than claims relating to the exposed person and members of his or her family. However, the court may consolidate asbestos or silica claims with the consent of all parties, or may consolidate cases for pretrial or discovery purposes.

No person shall bring or maintain a claim alleging a nonmalignant asbestos-related condition, unless such person makes a prima facie showing as to each defendant that the exposed person has a physical impairment for which asbestos exposure was a substantial factor.

No person shall bring or maintain a claim related to an alleged asbestos-related cancer, other than mesothelioma, unless such person makes a prima facie showing as to each defendant that the exposed person has a primary cancer for which exposure to asbestos was a substantial factor.

No person shall bring or maintain a claim of alleged silicosis, or an alleged silica-related condition other than silicosis or silica-related cancer, unless such person makes a prima facie showing as to each defendant that the exposed person has a physical impairment for which silica exposure was a substantial factor.

No person shall bring or maintain a claim related to alleged silica-related cancer unless such person makes a prima facie showing as to each defendant that the exposed person has a primary cancer for which exposure to silica was a substantial factor.

In all of the above claims, the prima facie showing must include a detailed narrative medical report and diagnosis signed by a qualifying physician, containing all of the information listed in this act. Evidence relating to the prima facie showings required by this act shall not be conclusive as to liability of any defendant,

nor shall evidence be offered at trial with respect to what constitutes a prima facie showing or an asbestos or silica-related impairment.

No asbestos or silica claim is subject to discovery until the court enters an order determining that the claimant has established prima facie evidence of impairment, other than discovery related to the establishment of or any challenge to the prima facie evidence.

A claimant's cause of action shall not accrue, nor the limitations period begin, before the exposed person received a diagnosis of impairment related to asbestos or silica, or before the exposed person discovered facts that would have led a reasonable person to obtain a diagnosis of such an impairment, or before the date of death of the exposed person, whichever is earliest.

No damages shall be awarded for fear or increased risk of future disease in any civil action related to an asbestos or silica claim.

This act is identical to HB 512 (2007) and HB 1850 (2008).

ALEXA PEARSON

01/30/2008 S First Read--SB 1050-Crowell (S152)

01/31/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S160)

EFFECTIVE: August 28, 2008

\*\*\* SB 1051 \*\*\*

4700S.011

SENATE SPONSOR: Crowell

SB 1051 - This act modifies provisions relating to the relocation or replacement of certain long-term care facilities under the certificate of need program.

Current law provides that any residential care facility or assisted living facility may relocate any portion of such facility's current licensed beds to any other facility to be licensed within the same licensure category under certain specified conditions. Also, certain health care facilities may be replaced in their entirety under specified conditions. This act provides that such relocation or replacement shall not require review under the state certificate of need laws or approval by the Missouri Health Facilities Review Committee.

The owner of any facility or beds exempt from certificate of need review may submit a request to the Department of Health and Senior Services to verify exemption prior to beginning the project. If the department determines such project is exempt from certificate of need review, the department shall issue a certification letter to such owner. Such decision shall be considered final and subject to appeal.

ADRIANE CROUSE

01/30/2008 S First Read--SB 1051-Crowell (S152)

01/31/2008 Second Read and Referred S Seniors, Families and Public Health Committee (S160)

EFFECTIVE: August 28, 2008

\*\*\* SB 1052 \*\*\*

4750S.021

SENATE SPONSOR: Rupp

SB 1052 - This act directs revenue derived from the loss limit repeal and the imposition of an education allowance to the newly created Educational Opportunities for Missouri's Children Fund. Upon appropriation, the first twenty-five million dollars in the fund will be allocated to the Department of Elementary and Secondary Education for the A+ Schools program, provided that such program is expanded to all Missouri high schools. The remaining moneys in the fund will be allocated equally among the Early Childhood Development, Education and Care Fund, and the First Steps program.

The act renders the following alterations to the state's gaming policy:

- Repeals the maximum loss limit of five hundred dollars per individual player per gambling excursion;
- Institutes a cap of thirteen licenses to operate excursion gambling boats in the state;
- Imposes an education allowance of one percent on adjusted gross receipts in excess of forty million dollars for gaming licensees;
- States that no documentation or other form of identification, other than that which may be required by a home dock city or county, will be required to enter an area where gambling is being conducted; and

- Increases the annual allocation of revenues, from the gaming commission fund, to the Veteran's Commission Capital Improvement Trust Fund by four million dollars.

JASON ZAMKUS

01/30/2008 S First Read--SB 1052-Rupp (S152)

01/31/2008 Second Read and Referred S Ways & Means Committee (S160)

EFFECTIVE: August 28, 2008

\*\*\* SB 1053 \*\*\*

4594S.021

SENATE SPONSOR: Dempsey

SB 1053 - This act imposes a \$1,000 surcharge on a first time intoxication-related traffic offense and a \$2,500 surcharge on all second and subsequent intoxication-related traffic offenses. The proceeds of the surcharges are credited to the public school fund.

STEPHEN WITTE

01/30/2008 S First Read--SB 1053-Dempsey (S152)

01/31/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S160)

EFFECTIVE: August 28, 2008

\*\*\* SB 1054 \*\*\*

4702S.021

SENATE SPONSOR: Dempsey

SB 1054 - This act expands the jurisdiction of juvenile courts to include individuals who are over seventeen years of age but not yet eighteen years of age, for the sole purpose of status offenses, by modifying the definitions of "child," "adult," and "status offense."

All law enforcement officers, juvenile officers, school personnel, or court personnel shall have civil and criminal immunity from liability for any action taken or failure to take action involving a minor child who remains under the jurisdiction of the juvenile court if such action is based on a good faith belief by such officer or personnel that the minor child is not under the jurisdiction of the juvenile court.

The provisions relating to extension of the juvenile court's jurisdiction shall not take effect until such time as spending by the state for juvenile officers and offices exceeds by three million eight hundred dollars the amount spent by the state for such officers and offices in fiscal year 2007.

This act also modifies the crime of tampering with a judicial officer to include juvenile and deputy juvenile officers.

This act is substantially similar to SCS/HB 215 (2007) and HB 1550 (2008).

ADRIANE CROUSE

01/30/2008 S First Read--SB 1054-Dempsey (S152)

01/31/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S160)

02/11/2008 Hearing Scheduled S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: Contingent

\*\*\* SB 1055 \*\*\*

4646S.011

SENATE SPONSOR: Goodman

SB 1055 - This act reinstates the Motorist Insurance Identification Database program. The program expired on June 30, 2007.

STEPHEN WITTE

01/30/2008 S First Read--SB 1055-Goodman (S152)

01/31/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S160)

EFFECTIVE: August 28, 2008

\*\*\* SB 1056 \*\*\*

4813S.011

SENATE SPONSOR: Justus

SB 1056 - This act modifies the membership on the Missouri Housing Development Commission. The membership of the commission is reduced from 10 members to 7 members. The act eliminates the commission membership positions currently held by the Governor, Lieutenant Governor, State Treasurer, and the state Attorney General. The act adds one additional lay member who will be appointed by the governor with the advice and consent of the senate. The seventh member of the commission will serve a four year term. Under the terms of the act, four members of the commission shall constitute a quorum.

STEPHEN WITTE

01/30/2008 S First Read--SB 1056-Justus and Bray (S152)

01/31/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S160)

EFFECTIVE: August 28, 2008

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\*\*\* SB 1057 \*\*\*

4696S.011

SENATE SPONSOR: Scott

SB 1057 - The act modifies the procedure for forming a transportation development district for a district to be established within two or more counties. Under the act, 50 or more registered voters from each of the counties may sign a petition calling for the creation of joint establishment of a district for a project to be located in multiple counties. The petition may be filed in the circuit court of any of the petitioner counties. The district and proposed funding shall be subject to voter approval under one election, rather than a bifurcated process (Sections 238.207 and 238.210).

STEPHEN WITTE

01/30/2008 S First Read--SB 1057-Scott (S152)

01/31/2008 Second Read and Referred S Transportation Committee (S160)

EFFECTIVE: August 28, 2008

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\*\*\* SB 1058 \*\*\*

4412S.021

SENATE SPONSOR: Mayer

SB 1058 - This act modifies the informed consent requirements for an abortion by adding new requirements to be obtained at least twenty-four hours prior to an abortion. Some of the new requirements include presenting to the pregnant woman various new printed materials and videos, to be developed by the Department of Health and Senior Services by November 26, 2008, detailing the risks of an abortion and the physiological characteristics of an unborn child at two-week gestational increments. The woman must also be provided with the gestational age of the unborn child at the time the abortion is to be performed and must be given an opportunity to view an active ultrasound of the unborn child and hear the heartbeat of the unborn child, if the heartbeat is audible. Prior to an abortion being performed past twenty-two weeks gestational age, the woman must be provided information regarding the possibility of the abortion causing pain to the unborn child. In addition to the written informed consent, the act requires the physician to discuss the medical assistance and counseling resources available, advise the woman of the father's liability for child support, and provide information about the Alternatives to Abortion Program.

This act also creates the crime of knowingly coercing a woman to seek or obtain an abortion. Such coercion includes committing or threatening to do the following: abusing or stalking of the woman, committing an offense against the woman or her family; filing for dissolution of marriage, refusing to pay child support or provide financial support; taking the unborn child once born or her other children; changing the woman's house or existing residence; discharging the woman from her employment; or revoking a scholarship awarded to the woman. A violation of coercing an abortion may range from a Class A felony to a Class A misdemeanor, depending on the prescribed circumstances. This act also creates the crime of knowingly performing, inducing or assisting in an abortion on a woman who is a victim of coerced abortion. The elements of the crime are specified in the act and a violation of such crime constitutes a Class C felony.

ADRIANE CROUSE

01/30/2008 S First Read--SB 1058-Mayer (S153)

01/31/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S160)

EFFECTIVE: August 28, 2008

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\*\*\* SB 1059 \*\*\*

4655S.011

SENATE SPONSOR: Engler

SB 1059 - This act creates civil and criminal penalties for mortgage fraud and imposes sanctions upon certain licensed professionals and unlicensed individuals who commit the crime.

CRIMINAL PROVISION, Section 570.310

Under the act, it is unlawful for a person, in connection with the application for or procurement of a loan secured by real estate to willfully:

1. Employ a device, scheme, or artifice to defraud;
2. Make an untrue statement of a material fact or to omit to state a material fact necessary in order to make the statement made, in the light of the circumstances under which it is made, not misleading; or
3. Receive any portion of the purchase, sale, or loan proceeds, or any other consideration paid or generated in connection with a real estate closing that such person knew involved a violation of this section.

Such acts constitute a Class C felony.

REAL ESTATE BROKERS AND SALESPERSONS, Sections 339.100, 339.175

Licensed real estate brokers and salespersons may be brought before the Administrative Hearing Commission and lose their license for committing mortgage fraud. Licensees who are criminally convicted of mortgage fraud will automatically have their license revoked. The Missouri Real Estate Commission may maintain an action in circuit court for anyone engaging in mortgage fraud and violators shall be subject to a civil penalty of \$2,500 per violation.

REAL ESTATE APPRAISERS, Sections 339.532, 339.542, 339.543, 339.549

Licensed real estate appraisers may also be brought before the Administrative Hearing Commission and lose their license for committing mortgage fraud. Licensees who are criminally convicted of mortgage fraud will automatically have their license revoked. These licensees may appeal the decision to the Administrative Hearing Commission.

The Missouri Real Estate Appraisers Commission may request cease and desist orders for any individual the commission believes is in violation of any law under their jurisdiction, including mortgage fraud. A hearing to determine violations will be held by the director of the commission or be referred to the Administrative Hearing Commission. The Missouri Real Estate and Appraisers Commission may petition the circuit court of Cole county to enforce any cease and desist orders. Those who willfully violate a cease and desist order shall be subject to a fine of up to \$100,000, by imprisonment of up to 10 years, or both.

The Missouri Real Estate Appraisers Commission may maintain an action in circuit court for anyone engaging in mortgage fraud and violators shall be subject to a civil penalty of \$2,500 per violation.

RESIDENTIAL MORTGAGE BROKERS, Section 443.809, 443.810, 443.891

The director of the Division of Finance shall have the authority to investigate the records of any licensed residential mortgage broker.

The director or the Residential Mortgage Board may also assess a civil penalty of up to \$5,000 for any violation of the law under the jurisdiction of the commission in a contested case.

The director is allowed to issue a notice of charges in support of an order to remove persons from participating in loan brokering, mortgage brokering, or mortgage brokerage service for any loan secured by real estate under the laws pertaining to residential mortgage brokers or otherwise under the jurisdiction of the director of the Division of Finance. The director may require restitution and impose a civil penalty not to exceed \$5,000 per occurrence.

This act is similar to SB 560 (2006), and SB 727 (2008).

CHRIS HOGERTY

01/31/2008 S First Read--SB 1059-Engler (S156)

02/04/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S171)

EFFECTIVE: August 28, 2008

SB 1060 – Current law allows local school districts to dismiss tenured teachers for certain causes after following certain administrative procedures. This act amends such procedures to allow teachers the right to request a preliminary hearing about the dismissal before an impartial hearing officer; however, the board would retain the authority to make the final decision as to whether the teacher is dismissed.

School boards or superintendents must notify teachers at least sixty days before formal notice is served, rather than the current thirty day notice requirement. If the teacher requests a preliminary hearing, the superintendent must contact the Labor and Industrial Relations Commission, which must follow procedures described in the act for the selection of a hearing officer and for the hearing itself. The act directs the Labor and Industrial Relations Commission to promulgate rules for the hearings. The school district must pay the costs of the preliminary hearing, except for the teacher's counsel. The hearing will be open to the public unless the teacher requests that the hearing be closed.

The hearing officer must provide an advisory opinion within thirty days after the hearing. Within thirty days of the receipt of this opinion, the school board must provide notice to the teacher as to the board's intention.

If a school district suspends a teacher until a final decision is rendered, the teacher is entitled to receive salary and benefits during the suspension. Currently, teachers are only guaranteed salary. If the hearing officer's opinion is in favor of dismissal, the teacher's benefits and salary may be suspended; however, such benefits will be repaid if the board reverses the decision of the hearing officer.

After the preliminary hearing, the teacher is entitled to a hearing before the board, which will be open to the public unless the teacher requests that it be closed. The record of the preliminary hearing shall be part of the records of the board meeting. The teacher may appeal the final decision of the school board to the circuit court of the county where the employing school district is located as described in the act.

This act repeals the current tenure law for the St. Louis school district and brings the district within the tenure system for the rest of the state.

This act is similar to SB 118 (2005), SB 1088 (2006), SB 561 (2007).  
MICHAEL RUFF

01/31/2008 S First Read--SB 1060-Engler (S156)

02/04/2008 Second Read and Referred S Education Committee (S171)

EFFECTIVE: August 28, 2008

\*\*\* SB 1061 \*\*\*

4689S.021

SENATE SPONSOR: Barnitz

SB 1061 - This act requires county coroners and their assistants to register with the Missouri Coroners' and Medical Examiners' Association immediately after election or appointment but prior to beginning their duties. All coroners and assistants of the coroner shall, within six months, complete the required annual training.

SUSAN HENDERSON MOORE

01/31/2008 S First Read--SB 1061-Barnitz (S156)

02/04/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S171)

EFFECTIVE: August 28, 2008

\*\*\* SB 1062 \*\*\*

4366S.011

SENATE SPONSOR: Barnitz

SB 1062 - This act modifies the manner in which certain business organizations may file with the Secretary of State.

The Secretary of State has the authority to establish a special handling and expedited services program. These services allow customers to purchase services that guarantee rapid processing on filings or other special handling.

A limited liability corporation may electronically file its original articles of incorporation for a fee of \$45 rather than the \$100 currently required for paper filings.

This act allows a corporation to change the filing month for its corporate registration report in return for an additional \$20 filing fee. Corporations may also opt to file the corporate registration report biennially rather than annually. The filing fee for choosing this option will be twice the fee currently required for filing annually. The Secretary of State may collect an additional \$10 fee, for deposit in the Secretary of State technology fund, for each biennial report. If the corporate registration report is not filed within 90 days, the Secretary of State may proceed with corporate dissolution.

This act is similar to SB 875 (2006), and SB 368 (2007).  
CHRIS HOGERTY

01/31/2008 S First Read--SB 1062-Barnitz, et al (S156-157)

02/04/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S171)

EFFECTIVE: August 28, 2008

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\*\*\* SB 1063 \*\*\*

4122S.051

SENATE SPONSOR: Koster

SB 1063 - This act modifies various provisions relating to methamphetamine education, treatment, prevention, and enforcement, as well as funding of deputy sheriff salaries.

Sections 57.265, 57.280 & 488.435

Under this act, the sheriff shall receive an additional \$15 charge for service for any summons, writ, or other court order with a civil case. The sheriff shall receive such money regardless of whether a private entity performs the service on behalf of the sheriff. The money received by the sheriff will be collected by the county treasurer and made payable to the state treasurer.

This act creates the "Public Safety Enhancement Fund". Twelve dollars from the additional \$15 charge shall be deposited into the fund. The other three dollars shall be deposited into the Sheriffs' Retirement Fund.

The "Public Safety Enhancement Fund" shall be administered by the Department of Public Safety and the money shall be used to fund a grant program designed to supplement the starting annual salaries of deputy sheriffs. Counties with starting annual salaries of less than \$29,500 shall be eligible to receive a grant. The grant money used shall not result in a starting annual salary exceeding \$29,500 for any deputy sheriff. The enrollment period for the first year of the grant program shall be from August 29, 2008, to December 31, 2008.

The Department of Public Safety shall have the authority to promulgate rules to implement and administer this grant program. The Department shall also coordinate and consult the Missouri Sheriffs' Association for review of the applications and disbursement of the grant money.

Under this act, the sheriff's fund, separate from the county general revenue, can contain up to \$75,000 rather than \$50,000.

These provisions of this act are similar SCS/SB 53 (2007) & SCS/SB 935 (2008).

Section 195.202

In cases where probation is granted for possession of methamphetamine, the conditions of probation shall include, but not be limited to, referral to a drug court for participation in a substance abuse program or participation and completion of not less than twenty-eight days in an inpatient substance abuse program. Such persons shall receive a term of supervised probation of less than four years and shall be subject to mandatory urine analysis to determine use of controlled substances throughout the term of probation as determined by the court or board of probation and parole.

Section 195.211

Any person who commits the crime, or attempts to commit the crime of distributing, delivering, manufacturing or producing methamphetamine shall not be granted a suspended imposition of sentence for a first offense or a suspended imposition of sentence or suspended execution of sentence for any second or subsequent offense.

Sections 195.378, 195.381, 195.384, 195.387, 195.390, 195.393, 195.396, & 195.399

The act establishes a drug monitoring program in the Department of Health and Senior Services. The program will monitor the prescribing and dispensing of all Schedule II through Schedule V controlled substances by all licensed professionals who prescribe or dispense these substances in Missouri. The dispenser must electronically submit to the department information for each prescription or dispensing. The act specifies the frequency of the submissions. The department may issue a waiver to a dispenser who is unable to submit the required information electronically. If a waiver is obtained, a dispenser may submit the required information in paper format or by other approved means. With certain listed exceptions, all submitted prescription information shall be confidential.

The act authorizes the release of non-personal, general information for statistical, educational, and research purposes. The department may contract with other state agencies or private vendors to implement the provisions of this act. The act contains penalty provisions for dispensers and authorized persons who violate provisions of the act. The department is required to implement certain education courses regarding the prescription monitoring program. The department shall, when appropriate, work with associations for impaired professionals to ensure ongoing monitoring and treatment and encourage individual patients who are addicted to substances monitored by the program to receive addiction treatment.

Nothing in the drug monitoring program shall be construed to require a dispenser or prescriber to access or check information from the program prior to dispensing, prescribing or administering medications. Dispensers and prescribers are immune from liability based on any claim of damages as a result of accessing or failing to access the information in the drug monitoring program.

The provisions of this act shall be effective on January 1, 2009 and the drug monitoring program shall sunset in six years.

These provisions of the act are identical to certain provisions of SB 732 (2008) and similar to HCS/SS/SCS/SB 85 (2007), SB 797 (2006), SB 158 (2005) and HB 987 (2004).

#### Section 195.417

This act modifies a number of provisions relating to monitoring of drugs containing pseudoephedrine.

Current law requires certain documentation relating to the sale of products containing pseudoephedrine. For non-prescription pseudoephedrine products, this act requires that the photo identification that must currently be provided to the pharmacist must be issued by a state or the federal government, or another acceptable document and that such identification must be furnished prior to purchase. The log currently maintained by pharmacists is modified to now include the signature of the purchaser, the name of the product and the time of the purchase. The act also requires that the log be electronic, rather than written. The seller is required to deliver the product directly into the custody of the purchaser.

The act modifies the current gram limits for the sale of pseudoephedrine products. The act provides that the limits do not apply to quantities that must be sold, dispensed or distributed in a pharmacy under a valid prescription or to any purchase by an individual of a single package containing not more than 60 mg of pseudoephedrine. The current 30 day period limit of 9 grams to a person applies without regard to the number of transactions. For mail order or mobile retail sales within a 30 day period, the limit on pseudoephedrine products shall be 7.5 grams without regard to the number of transactions. Within a twenty-four hour period, no person may obtain 3.6 grams without regard to the number of transactions.

The act provides that liquid or liquid-filled gel capsule forms of pseudoephedrine must be in a place where customers do not have direct access to them. The act repeals provisions that exempted the liquid and liquid-filled gel capsule forms of pseudoephedrine from recordkeeping and log maintenance requirements.

The person selling the pseudoephedrine products shall maintain an electronic log of each transaction, including the name and signature of the purchaser, the name of the drug, the date and time of purchase and the name or initials of the person selling the drugs. The department is required to develop a system of transmitting the information contained in the log on a real-time basis from the pharmacy to the department. The department shall create a database from the submitted information, which shall be made available to law enforcement agencies. The department is also required to monitor the database for persons who may be violating the provisions of this section. The act authorizes law enforcement agencies to access the electronic

logs of a pharmacy, upon request.

Any person who violates the provisions of this section shall be subject to a civil fine of up to \$10,000, in addition to current criminal penalties.

Section 568.045

Currently, a person commits the crime of endangering the welfare of a child in the first degree if he or she manufactures, produces, prepares, sells, transports, tests, or analyzes methamphetamine in a residence where a person less than seventeen years of age resides. Under this act, a person also commits such crime when he or she possesses methamphetamine in a residence with a child. Child endangerment in the first degree is a Class C felony.

This provision of the act is similar to HB 1468 (2008).

Section 650.650

The Department of Public Safety shall develop and conduct a large-scale statewide advertising campaign to combat the first-time use of methamphetamine among young people. The campaign shall consist of television, print, and outdoor advertising focusing on the impact meth has on the individual and his or her family and friends. The ads shall use stark and high-impact imagery designed to realistically and graphically communicate the risks of meth to young people.

SUSAN HENDERSON MOORE

01/31/2008 S First Read--SB 1063-Koster (S157)

02/04/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S171)

EFFECTIVE: August 28, 2008

\*\*\* SB 1064 \*\*\*

4869S.011

SENATE SPONSOR: Dempsey

SB 1064 - This act authorizes a dependency exemption, effective January 1, 2009, for the taxable year in which a stillborn child was born if the child would otherwise have been a member of the taxpayer's household.

This act is identical to House Bill 1773 (2008).

JASON ZAMKUS

01/31/2008 S First Read--SB 1064-Dempsey (S157)

02/04/2008 Second Read and Referred S Ways & Means Committee (S171)

EFFECTIVE: August 28, 2008

\*\*\* SB 1065 \*\*\*

4697S.011

SENATE SPONSOR: Bartle

SB 1065 - This act rewrites Section 306.125 (careless and imprudent operation of a vessel or watercraft). This act prohibits vessels that are 30 feet in length or greater from being operated within 300 feet of any dock, pier, occupied anchored boat, or occupied anchored vessel or watercraft at a speed in excess of slow-no wake speed. Vessels less than 30 feet in length are prohibited from being operated within 100 feet of any dock, pier, occupied anchored vessel or watercraft at a speed in excess of slow-no wake speed.

This act modifies the abandonment of a boat dock law (Section 306.903) so that the infraction will apply to the waters of this state. Under current law, the abandonment of a boat dock infraction only applies to lakes having at least 950 miles of aggregate shoreline.

The act also requires persons owning boat docks on specified lakes (lakes having at least 950 miles of shoreline and lakes constructed or maintained by the U.S. Army Corps of Engineers) to display certain identifying information on the dock. The identifying information shall include a permit number and the applicable 911 address nearest to the dock by land. This requirement does not become effective until January 1, 2010. A person commits the infraction of failure to display identifying information on a boat dock if he or she knowingly violates the display provisions.

STEPHEN WITTE

01/31/2008 S First Read--SB 1065-Bartle (S157)

02/04/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S171)

EFFECTIVE: August 28, 2008

\*\*\* SB 1066 \*\*\*

4814S.021

SENATE SPONSOR: Ridgeway

SB 1066 – This act creates an alternative method of obtaining teacher certification from the State Board of Education. An individual may obtain teacher certification by obtaining certification from the American Board for Certification of Teacher Excellence (ABCTE) and verification of ability to work with children by completing sixty contact hours in the classroom as described in the act. Such certification may not be granted in the areas of elementary or special education. An applicant may apply for a career continuous professional certificate after completing thirty contact hours of professional development within four years, validated completion of a mentoring program as described in the act, attainment of a successful performance-based teacher evaluation, and participation in a beginning teacher assistance program. Applicants for an initial ABCTE certificate are responsible for any associated fees. A school district may develop its own policy for fee reimbursement.

This act is similar to provisions contained in SB 480 (2007) and HB 620 (2007).

MICHAEL RUFF

01/31/2008 S First Read--SB 1066-Ridgeway, et al (S157)

02/04/2008 Second Read and Referred S Education Committee (S171)

EFFECTIVE: August 28, 2008

\*\*\* SB 1067 \*\*\*

4818S.011

SENATE SPONSOR: Ridgeway

SB 1067 - This act exempts persons 21 years of age or older from wearing protective headgear except when operating or riding motorcycles or motortricycles upon interstate highways. The motorcycle helmet exemption expires on August 28, 2013.

This act is substantially similar to SB 252 (2007), SB 635 (2006), SB 12 (2005), SB 744 (2004), SB 226 (2003), SB 646 (2002), SB 18 (2001), SB 610 (2000) and SB 294 (1999).

STEPHEN WITTE

01/31/2008 S First Read--SB 1067-Ridgeway, et al (S157)

02/04/2008 Second Read and Referred S Transportation Committee (S171)

EFFECTIVE: August 28, 2008

\*\*\* SB 1068 \*\*\*

4717L.011

SENATE SPONSOR: Mayer

SB 1068 - This act establishes the Pharmacy Rebates Fund for the purposes of depositing any revenues received by the state from pharmaceutical manufacturer rebates as required by state or federal law for use in the MO HealthNet pharmacy program.

ADRIANE CROUSE

01/31/2008 S First Read--SB 1068-Mayer (S157)

02/04/2008 Second Read and Referred S Health and Mental Health Committee (S171)

EFFECTIVE: August 28, 2008

\*\*\* SB 1069 \*\*\*

4819S.011

SENATE SPONSOR: Coleman

SB 1069 - This act authorizes a one-time income tax deduction, for tax year 2009, equal to the amount of tax rebate received by a taxpayer from the federal government as part of an economic stimulus package.

The act contains an emergency clause.

JASON ZAMKUS

01/31/2008 S First Read--SB 1069-Coleman (S157)

02/04/2008 Second Read and Referred S Ways &amp; Means Committee (S171)

EFFECTIVE: Emergency

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\*\*\* SB 1070 \*\*\*

4839S.021

SENATE SPONSOR: Kennedy

SB 1070 - This act allows the St. Louis Board of Police Commissioners to develop a physical strength test for police officers. However, the test shall not be used as the sole factor in determining the officer's continuing employment.

SUSAN HENDERSON MOORE

01/31/2008 S First Read--SB 1070-Kennedy and Graham (S157)

02/04/2008 Second Read and Referred S Economic Development, Tourism &amp; Local Government Committee (S171)

EFFECTIVE: August 28, 2008

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\*\*\* SB 1071 \*\*\*

3166S.031

SENATE SPONSOR: Smith

SB 1071 -This act creates a method for publicly financing election campaigns for legislative and gubernatorial candidates.

Candidates certified as clean election candidates are eligible to receive public funding for their respective campaigns by raising qualifying contributions, in the sum of \$5 per voter, from a specified number of individuals, during a specified qualifying period. The candidates may, before certification, raise and spend seed money contributions of no more than \$100 per contribution, up to \$50,000 for candidates for Governor, \$1,500 for candidates for the Senate, and \$500 for candidates for the House of Representatives. Any individual may contribute to the fund at any time without limitation.

The Ethics Commission shall disburse funds from the Clean Election Fund to certified candidates to match the funds raised and spent by any non-certified opponent. The fund is comprised of \$2,000,000 of income and sales and use taxes that shall be deposited into the fund yearly, all qualifying contributions, unspent funds, reallocations, certain fines, and other donations.

The amounts of funds to be distributed to certified candidates are based on average expenditures of previous campaigns and whether or not the race is contested. Once certified, participating candidates may only receive and spend moneys allocated to the candidate from the fund. All unspent revenues originating from the fund must be returned by participating candidates defeated in primaries and all participating candidates after applicable general elections.

A process for challenging the certification of a candidate is included in the act. Fines may be imposed upon candidates in violation of the act and certain acts constitute a Class A misdemeanor.

A Joint Committee on Clean Elections is also established to study and recommend legislation relating to the administration, implementation, and enforcement of the act.

CHRIS HOGERTY

01/31/2008 S First Read--SB 1071-Smith (S157)

02/04/2008 Second Read and Referred S Financial &amp; Governmental Organizations and Elections Committee (S171)

EFFECTIVE: August 28, 2008

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\*\*\* SB 1072 \*\*\*

4636S.021

SENATE SPONSOR: Rupp

SB 1072 – Current law provides that charter schools may be operated only in the St. Louis City or Kansas City school districts. This act allows a charter school to be operated in any school district when a school's proposed charter specifies a student enrollment of at least 30% students requiring special education services as part of an individualized education program. In addition, such a charter school may enroll nonresident pupils who submit timely applications. This act allows a community college whose service area includes any portion of a school district in which a charter school may be operated to be a sponsor. Any public or private four-year college or university with its primary campus in Missouri and with an approved teacher preparation

program may sponsor a charter school.

MICHAEL RUFF

02/04/2008 S First Read--SB 1072-Rupp (S166)

EFFECTIVE: August 28, 2008

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\*\*\* SB 1073 \*\*\*

4898S.011

SENATE SPONSOR: Dempsey

SB 1073 - This act creates a state and local sales and use tax exemption for sales of tangible personal property, on the United States Munitions List, to foreign governments.

JASON ZAMKUS

02/04/2008 S First Read--SB 1073-Dempsey (S166)

EFFECTIVE: August 28, 2008

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\*\*\* SB 1074 \*\*\*

4870S.011

SENATE SPONSOR: Dempsey

SB 1074 - Currently, architects, engineers, landscape architects, land surveyors, and corporations registered to do the work of these professions who perform work on buildings or land have a lien on the building or land to the extent of one acre. This act increases the lien to encompass three acres.

CHRIS HOGERTY

02/04/2008 S First Read--SB 1074-Dempsey (S166-167)

EFFECTIVE: August 28, 2008

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\*\*\* SB 1075 \*\*\*

4935S.011

SENATE SPONSOR: Engler

SB 1075 - Current law provides immunity from liability for outfitters of certain nonmotorized watercraft for any injury or death to a participant of watercraft activities that results from the inherent risks of such activities. This act provides that watercraft outfitters, including those who sell, lease, or otherwise provide watercraft, shall also have the same immunity from liability for injury or death to a participant that results from the use of certain small motorized watercraft. Additionally, such outfitters shall be immune from liability for any injury or death to a watercraft participant that results from any nondefective component part or accessory which is installed or integrated into the watercraft by the participant.

ALEXA PEARSON

02/04/2008 S First Read--SB 1075-Engler (S167)

EFFECTIVE: August 28, 2008

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\*\*\* SB 1076 \*\*\*

4895S.021

SENATE SPONSOR: Engler

SB 1076 - This act provides that all owners or users of any hunting preserve or firearm range shall be immune from criminal and civil liability arising out of noise or sound emission resulting from the normal use of such preserve or range. No court shall enjoin the use or operation of any hunting preserve on such a basis, nor shall any court enjoin the use of any firearm range on such a basis as long as the range conforms with the qualifications in this act.

ALEXA PEARSON

02/04/2008 S First Read--SB 1076-Engler (S167)

EFFECTIVE: August 28, 2008

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\*\*\* SB 1077 \*\*\*

4807S.041

SENATE SPONSOR: Goodman

SB 1077 - Under current law, Section 434.100, RSMo, most indemnities for construction work are considered void and against public policy. Unless one of the statute's exceptions applies, a party to a

contract for construction work cannot transfer a significant portion of its project risks to others via a broad indemnity agreement. The current statute contains nine exceptions to the general rule that these types of indemnity agreements are void.

Under this act, the general prohibition against indemnity agreements is expanded to specifically prohibit agreements to hold harmless the negligence of the other person's officers, employees, or agents. The current law only specifically prohibits agreements that hold harmless another person from that person's own negligence.

Under current law, the anti-indemnity provision does not apply to a party's own promise to hold another party harmless from the party's own negligence. This act expands the exception to include the party's officers, employees, and agents.

The act modifies the additional insured exception by providing that the anti-indemnity prohibition does not apply to a party's promise to purchase project-specific insurance policies, other types of protective liability insurance policies, or builder's risk insurance.

The act expands the definition of "construction work" and defines the terms "indemnify" or "hold harmless" as including any requirement to name the indemnified party as an additional insured in the indemnitor's insurance coverage for the purpose of providing an indemnification for any liability not otherwise allowed.

STEPHEN WITTE

02/04/2008 S First Read--SB 1077-Goodman (S167)

EFFECTIVE: August 28, 2008

\*\*\* SB 1078 \*\*\*

4434S.03I

SENATE SPONSOR: Rupp

SB 1078 – Current law provides that charter schools may only be operated in the Kansas City and St. Louis City school districts. This act allows charter schools to be operated in any district that is not a K-8 district, has an enrollment of at least two thousand students, and has been provisionally accredited for any period of three consecutive years since July 1, 1999. A community college whose service area includes any portion of a school district in which a charter school may be operated may sponsor a charter school. In addition, any private or public four-year college or university with an approved teacher preparation program with its primary campus located in Missouri may sponsor a charter school. This act removes a provision preventing the Department of Elementary and Secondary Education from withholding 1.5% of certain state and local funding when the sponsor is a school district or the state board of education. Charter school sponsors may spend up to 10% of their sponsorship funding for undesignated costs but must designate the remaining funds for sponsorship activities or for direct investment in the sponsored schools. This act removes the condition that charter schools become local educational agencies for the sole purpose of seeking direct access to federal grants when a sponsor and governing board enter into a written agreement reflecting the charter school's decision to become a local educational agency. This act requires charter schools whose mission includes student drop-out prevention or recovery to enroll nonresident pupils from the same or an adjacent county who submit a timely application. Preference will be given to resident pupils over non-resident pupils if there is insufficient capacity.

This act contains provisions similar to SB 1027 (2008).

MICHAEL RUFF

02/05/2008 S First Read--SB 1078-Rupp

EFFECTIVE: August 28, 2008

\*\*\* SB 1079 \*\*\*

4640S.03I

SENATE SPONSOR: Bray

SB 1079 - This act modifies the provisions of the Missouri Indoor Clean Air Act to prohibit smoking in a public place or a public meeting or within fifteen feet of any entrance to a public place or public meeting. The definition of public place has been amended to include any building or vehicle owned, leased or operated by a governmental entity as well as bars and restaurants. The provision allowing for a designated smoking area in public places has been repealed.

This act also specifies that a person commits the crime of littering if he or she throws any cigarettes, cigarette packages, or other smoking-related items. The crime of littering is a Class A misdemeanor.

ADRIANE CROUSE

02/05/2008 S First Read--SB 1079-Bray

EFFECTIVE: August 28, 2008

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\*\*\* SB 1080 \*\*\*

4878S.011

SENATE SPONSOR: Bray

SB 1080 - Currently, Section 386.266, RSMo, provides certain utilities the opportunity to apply for alternate rate schedules in several circumstances. This act removes two of these options. It removes the option for gas utilities to apply for alternate rate schedules due to a variation in weather and/or conservation and removes the option for electric, gas or water utilities to apply for alternate rate schedules due to costs related to environmental regulations.

This act is identical to SB 94 (2007) and SB 880 (2006).

ERIKA JAQUES

02/05/2008 S First Read--SB 1080-Bray

EFFECTIVE: August 28, 2008

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\*\*\* SB 1081 \*\*\*

4634S.021

SENATE SPONSOR: Nodler

SB 1081 - This act amends the Family Care Safety Registry to include protections for the developmentally disabled and requires the registry to contain information on mental health workers. This act also adds direct care staff from the Division of Mental Retardation and Developmental Disabilities (MRDD) community programs to the list of health care and mental health providers who are required to report suspected cases abuse of a patient, resident, or client of a mental health facility. The Department of Mental Health shall conduct such abuse and neglect investigations.

All group homes and mental retardation facilities shall be subject to all applicable federal and state laws, regulations and monitoring. All MRDD community providers shall be subject to the same training requirements established for state mental health workers with comparable positions in public group homes and mental health facilities. In addition, any employee, including supervisory personnel, of a group home or mental retardation facility who has been placed on the department's disqualification registry due to a substantiated finding of abuse or neglect shall be terminated. The facilities or homes are also required to report staff turnover to the Department of Mental Health and the General Assembly. The Department of Mental Health shall not transfer any person to any group home or mental retardation facility that has received a notice of noncompliance, until there is an approved plan of correction.

This act also provides that beginning July 1, 2008, each Intermediate Care Facilities-Mentally Retarded Facilities (ICF-MR) in this state must pay, in addition to all other fees or taxes required by law, a ICF-MR provider reimbursement based on a formula set forth in rules promulgated by the Department of Social Services. The provisions relating to the provider reimbursement allowance shall expire on June, 30, 2009.

There is an emergency clause for the ICF-MR provider reimbursement provision.

ADRIANE CROUSE

02/05/2008 S First Read--SB 1081-Nodler and Green

EFFECTIVE: August 28, 2008

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\*\*\* SB 1082 \*\*\*

4940S.011

SENATE SPONSOR: Days

SB 1082 - Under current law, the election authority in St. Charles County may provide 55 ballots for each 50 and fraction of 50 voters registered at the time of the election to each polling place. In all other jurisdictions, the election authority shall provide at least 1 1/3 times the number of ballots cast in the previous election of the same type.

This act requires all election authority to provide ballot cards for every general and primary election in the number of 1 1/3 times the number of voters who cast ballots in the previous election of the same type. Ballot cards do not include a paper cast vote record produced by a direct recording electronic unit.

All voters shall have the opportunity to vote a paper ballot and those ballots shall be counted. Notice shall be provided at polling places stating that paper ballots are available.

CHRIS HOGERTY

02/05/2008 S First Read--SB 1082-Days

EFFECTIVE: August 28, 2008

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\*\*\* SB 1083 \*\*\*

4745S.011

SENATE SPONSOR: Coleman

SB 1083 - Under the act, individuals who request fifty or more voter registration applications who are not deputy registration officials must be 18 and file with the Secretary of State the person's name, address, telephone number, whether the person is making the request on behalf of a group or organization, and a description of each group or organization for which the request is made. A signed affirmation that the information submitted is true must accompany the filing.

Any person who knowingly signs a name other than his or her own to a voter registration application is guilty of a class one election offense. Such persons will be guilty of a Class B felony. Persons who provide identification to an election official to cast a ballot with the knowledge that the identification is false shall be guilty of a Class B felony. Individuals who willfully and falsely complete any certificate, affidavit or ballot of another individual in relation to absentee ballots are guilty of a Class B felony.

The Secretary of State shall provide computer-based registration training to persons making requests for voter registration applications.

This act is similar to SB 1125 (2006), and SB 229 (2007).

CHRIS HOGERTY

02/05/2008 S First Read--SB 1083-Coleman

EFFECTIVE: August 28, 2008

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\*\*\* SB 1084 \*\*\*

4947S.011

SENATE SPONSOR: Coleman

SB 1084 – This act provides that any school district operating magnet schools as part of a master desegregation settlement agreement will not be considered inefficient for state transportation aid and will not be penalized as a result.

MICHAEL RUFF

02/05/2008 S First Read--SB 1084-Coleman and Bray

EFFECTIVE: August 28, 2008

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\*\*\* SB 1085 \*\*\*

4946S.011

SENATE SPONSOR: Coleman

SB 1085 – This act allows a school district to participate in the A+ Schools Program regardless of its accreditation classification by the State Board of Education provided it meets all other requirements.

MICHAEL RUFF

02/05/2008 S First Read--SB 1085-Coleman and Bray

EFFECTIVE: August 28, 2008

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\*\*\* SB 1086 \*\*\*

3386S.021

SENATE SPONSOR: Smith

SB 1086 – This act creates a tax credit against a taxpayer's state tax liability for contributions to an after school program operating in an unaccredited or provisionally accredited school district that satisfies certain conditions. A taxpayer could claim a tax credit for half the amount of his or her contribution. The tax credit would be available starting on January 1, 2009. The tax credit amount cannot exceed the taxpayer's state tax liability and shall not exceed \$50,000 per tax year. If a taxpayer cannot claim the full amount of the tax credit in one year, the tax credit may be carried over to the next four taxable years until the full amount is claimed. In addition, no more than \$2,000,000 in tax credits can be issued in a tax year. The cumulative amount of tax credits that may be redeemed by all taxpayers in one tax year cannot exceed \$2,000,000. Tax credits will be redeemed in a first to file first served based.

This act is similar to a provision contained in SB 690 (2007).  
MICHAEL RUFF

02/05/2008 S First Read--SB 1086-Smith

EFFECTIVE: August 28, 2008

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\*\*\* SB 1087 \*\*\*

4203S.021

SENATE SPONSOR: Clemens

SB 1087 – This act creates the Non-Traditional Student Educational Expense Repayment Program to be implemented and administered by the Department of Higher Education. The Department may award up to \$500,000 per year in educational expense repayments to eligible individuals. An individual may qualify for up to \$10,000 in repayments per year. Repayments may be used to cover an eligible student's tuition, fees, books, and laboratory expenses. The Department will only provide repayment for courses completed with an A or B grade, or an equivalent.

Eligibility requirements include United States citizenship or permanent residence, Missouri residence, at least twenty-five years of age, being enrolled in and attending a public or private non-sectarian postsecondary vocational or technical school, a community college, or a college or university located in Missouri, employment of at least thirty-five hours per week in Missouri while attending school, and completion of an application annually. In addition, the individual must have an annual income of less than the average wage in the individual's county of residence prior to completing coursework. An individual may not qualify for repayments if he or she is a long-term student as defined in the act. An individual may not receive repayments if he or she is participating in a similar program or a loan forgiveness program through another government agency or through his or her employer. The Department will promulgate rules, regulations, and standards to implement this act and may add additional eligibility standards or requirements. The Department of Higher Education must enter into a contract with the individual specifying the terms of the repayments. The Department must provide repayments semi-annually by July 15 and January 15. Individuals who receive repayments must verify semi-annually that they have qualified employment in Missouri.

MICHAEL RUFF

02/05/2008 S First Read--SB 1087-Clemens

EFFECTIVE: August 28, 2008

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\*\*\* SB 1088 \*\*\*

4803S.021

SENATE SPONSOR: Clemens

SB 1088 - This act creates the crime of possessing or having control of a restricted natural substance, also known as jimson weed. The first offense shall be a Class A misdemeanor and each subsequent offense shall be a Class D felony.

No person shall be guilty of such crime if he or she owns, possesses, manages, or otherwise controls land on which a restricted natural substance naturally grows unless the person knowingly plants or cultivates the restricted natural substance, harvests the substance for any person to drink, inhale, or otherwise ingest, or knowingly allows or authorizes another person to plant, cultivate or harvest such substances on his or her land.

It shall be unlawful for any person to distribute, deliver, manufacture, produce, or cultivate a restricted natural substance or to attempt to or possess with intent to distribute, deliver, manufacture, produce, or

cultivate a restricted natural substance. A person who commits any of these crimes shall be guilty of a Class C felony for the first offense and a Class B felony for any second or subsequent offense.

SUSAN HENDERSON MOORE

02/05/2008 S First Read--SB 1088-Clemens

EFFECTIVE: August 28, 2008

\*\*\* SCR 27 \*\*\*

3392S.011

SENATE SPONSOR: Champion

SCR 27 - This Senate concurrent resolution encourages the Supreme Court of Missouri to work with the presiding judges of the state judicial circuits, the Office of State Courts Administrator, and the Circuit Court Budget Committee in order to efficiently allocate resources among the judicial circuits. The resolution also encourages the Court to continue to track judges' caseloads, and to examine and alter its Rules if necessary to implement and expand the program that authorizes transfers of judges to circuits in need.

ALEXA PEARSON

01/17/2008 S First Read (S109-110)

01/22/2008 Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S121)

EFFECTIVE: upon approval

\*\*\* SCR 28 \*\*\*

4806S.011

SENATE SPONSOR: Justus

SCR 28 - This resolution urges ratification of the Equal Rights Amendment to the United States Constitution.

This SCR is similar to SCR 7 (2007).

ADRIANE CROUSE

01/28/2008 S First Read--SCR 28-Justus (S137-138)

01/29/2008 Second Read and Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S147)

EFFECTIVE: upon approval

\*\*\* SCR 29 \*\*\*

3317S.021

SENATE SPONSOR: Mayer

SCR 29 - This resolution requests that the U.S. Department of Agriculture's National Agricultural Statistics Service add the dates of June 1st and September 1st as additional reporting dates for rice on the Agricultural Statistics Board calendar.

This resolution is similar to HCR 38 (2007).

ERIKA JAQUES

01/29/2008 S Offered--SCR 29-Mayer (S145-146)

01/30/2008 Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S153)

EFFECTIVE: upon approval

\*\*\* SJR 29 \*\*\*

3651S.011

SENATE SPONSOR: Loudon

SJR 29 - This proposed constitutional amendment, if approved by the voters, provides that the official dating standard used by the state of Missouri shall be A.D., or Anno Domini, and B.C., or Before Christ. Neither the state, nor any political subdivision, shall use any other designation.

This SJR is identical to SJR 25 (2007).

JIM ERTLE

12/01/2007 Prefiled

01/09/2008 S First Read--SJR 29-Loudon, et al (S24)

01/16/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S106)

01/23/2008 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

01/30/2008 Voted Do Pass S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: Upon voter approval

\*\*\* SJR 30 \*\*\*

3063S.011

SENATE SPONSOR: Coleman

SJR 30 - Upon voter approval, the constitutional amendment creates an exception to the prohibition against laws retrospective in operation by allowing the sexual offender registry laws to be applied retrospectively.

This act is identical to SCS/SJR 9 & 17 (2007).

SUSAN HENDERSON MOORE

12/01/2007 Prefiled

01/09/2008 S First Read--SJR 30-Coleman (S24)

01/16/2008 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S106)

02/11/2008 Hearing Scheduled S Judiciary and Civil &amp; Criminal Jurisprudence Committee

EFFECTIVE: Upon voter approval

\*\*\* SJR 31 \*\*\*

3131S.011

SENATE SPONSOR: Bartle

SJR 31 - This proposed constitutional amendment authorizes the Highway & Transportation Commission to conduct feasibility studies, fund, design, acquire, construct, maintain, and operate toll facilities. The commission shall fix and collect tolls for the use of all toll facilities. The commission is authorized to issue state toll facility revenue bonds or refunding bonds authorized by the general assembly without the consent of any other state agency or board. The commission is authorized to enter into contracts with other federal, state, or local agencies to conduct its duties with respect to constructing toll facilities.

Moneys obtained from toll facility revenue bonds, tolls, and other fees shall be deposited in the state toll facility fund. Moneys in the fund shall stand appropriated without legislative action to be expended in the sole discretion of the commission.

The commission is authorized to transfer moneys from the state road fund to the state facility fund to pay toll facility costs. Any such transfers from the state road fund shall be repaid in a time and manner determined by the commission. The commission is authorized to relocate or incorporate any public road or highway into a state toll facility project authorized by the General Assembly.

Revenue generated from the toll roads shall not be included as a part of total state revenue, nor shall revenue expenditures be considered an "expense of state government" for the purposes of the Hancock Amendment.

This resolution is similar to SJR 1 (2007), SJR 24 (2006) and SJR 11 (2005).

STEPHEN WITTE

12/01/2007 Prefiled

01/09/2008 S First Read--SJR 31-Bartle (S24)

01/16/2008 Second Read and Referred S Transportation Committee (S106)

01/23/2008 Hearing Conducted S Transportation Committee

EFFECTIVE: Upon voter approval

\*\*\* SJR 32 \*\*\*

3132S.011

SENATE SPONSOR: Bartle

SJR 32 - This constitutional amendment, if approved by voters, would create the Missouri Savings Account. The account shall be comprised of funds deposited annually at a rate of 2% of the general revenue appropriations for that year. If general revenue collections do not increase by 3% or more by the end of a fiscal year, the monies deposited in the fund that year shall lapse and be used for the next year's expenditures.

In any year in which there is a budget shortfall or when the consensus revenue estimate forecasts a

decrease in revenue for the upcoming year, the general assembly may utilize 1/3 of the monies in the fund for budgetary purposes. If the balance in the account reaches 1/3 of general revenue collections for any fiscal year, the excess shall lapse to general revenue.

This act is similar to SJR 6 (2005) and SJR 3 (2007).

JASON ZAMKUS

12/01/2007 Prefiled

01/09/2008 S First Read--SJR 32-Bartle (S24)

01/16/2008 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S106)

EFFECTIVE: Upon voter approval

\*\*\* SJR 33 \*\*\*

3613S.011

SENATE SPONSOR: Ridgeway

SJR 33 - This constitutional amendment, if approved by voters, would require residential real property to be reassessed only upon transfer of ownership. For years where the property is not subject to transfer, political subdivisions are limited to increasing assessed values only for new construction and improvements.

This act is similar to SJR 23 (2007).

JASON ZAMKUS

12/01/2007 Prefiled

01/09/2008 S First Read--SJR 33-Ridgeway (S24)

01/16/2008 Second Read and Referred S Ways & Means Committee (S106)

EFFECTIVE: Upon voter approval

\*\*\* SJR 34 \*\*\*

3099S.011

SENATE SPONSOR: Crowell

SJR 34 - Upon voter approval, the constitutional amendment creates an exception to the prohibition against laws retrospective in operation by allowing the sexual offender registry laws to be applied retrospectively.

This act is identical to SCS/SJR 9 & 17 (2007).

SUSAN HENDERSON MOORE

12/01/2007 Prefiled

01/09/2008 S First Read--SJR 34-Crowell and Coleman (S24)

01/16/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S106)

02/11/2008 Hearing Scheduled S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: Upon voter approval

\*\*\* SJR 35 \*\*\*

3231S.011

SENATE SPONSOR: Shoemyer

SJR 35 - Upon voter approval, this proposed constitutional amendment would allow any county or the city of St. Louis to adopt, by ordinance or order, regulations affecting public health and welfare which are more restrictive than state law.

This act is identical to SJR 18 (2007).

SUSAN HENDERSON MOORE

12/01/2007 Prefiled

01/09/2008 S First Read--SJR 35-Shoemyer (S24)

01/16/2008 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S106)

EFFECTIVE: Upon voter approval

\*\*\* SJR 36 \*\*\*

3847S.011

SENATE SPONSOR: Graham

SJR 36 - This proposed constitutional amendment, if approved by the voters, requires that all appropriations made by the General Assembly shall not exceed the official estimate of available state revenues.

This SJR is identical to SJR 5 (2007) and SJR 37 (2006).

JIM ERTLE

12/12/2007 Prefiled

01/09/2008 S First Read--SJR 36-Graham (S24)

01/16/2008 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S106)

EFFECTIVE: Upon voter approval

\*\*\* SJR 37 \*\*\*

3848S.011

SENATE SPONSOR: Graham

SJR 37 - This proposed constitutional amendment, if approved by the voters, requires the state treasurer, by November 1st of each year, to complete and deliver to the governor and the General Assembly an estimate of available state revenues for the next fiscal year beginning on July 1st. The estimate shall be used by the Governor and the General Assembly as the primary source of estimated revenues in their deliberations on the disbursement of state funds for the next fiscal year. The State Treasurer can provide updates to the estimate until March 15th.

This SJR is identical to SJR 7 (2007) and SJR 36 (2006).

JIM ERTLE

12/12/2007 Prefiled

01/09/2008 S First Read--SJR 37-Graham (S24)

01/16/2008 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S106)

EFFECTIVE: Upon voter approval

\*\*\* SJR 38 \*\*\*

3383S.011

SENATE SPONSOR: Clemens

SJR 38 - This proposed constitutional amendment, if approved by the voters, requires the first legislative session of each General Assembly to be used exclusively for the enactment of appropriations laws except for emergency legislation where health, welfare, and safety requires legislative action. The second legislative session shall be used exclusively for the enactment of general laws except for the enactment of supplemental appropriations laws if necessary.

This SJR is identical to SJR 14 (2007) and SJR 25 (2006) and SJR 9 (2005).

JIM ERTLE

12/17/2007 Prefiled

01/09/2008 S First Read--SJR 38-Clemens (S24)

01/16/2008 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S106)

EFFECTIVE: Upon voter approval

\*\*\* SJR 39 \*\*\*

3384S.011

SENATE SPONSOR: Clemens

SJR 39 - This proposed constitutional amendment, if approved by voters, would modify the term of office for Senators and Representatives. Currently, Representatives are elected every two years to serve two-year terms and one-half of the Senators are elected every two years to serve four-year terms. Beginning with the 97th General Assembly, all Representatives would be elected every four years and would be eligible to serve three four-year terms. Senators would be eligible to serve two six-year terms and one-third of the Senators would be up for election every two years. Beginning with the 97th General Assembly, no one shall serve more than 12 years total in one house nor more than 24 years total in both houses, disregarding any prior service.

This SJR is similar to SJR 21 (2007).

JIM ERTLE

12/19/2007 Prefiled

01/09/2008 S First Read--SJR 39-Clemens (S25)

01/16/2008 Second Read and Referred S Financial &amp; Governmental Organizations and Elections Committee (S106)

EFFECTIVE: Upon voter approval

\*\*\* SJR 40 \*\*\*

3744S.021

SENATE SPONSOR: McKenna

SJR 40 - This constitutional amendment, if approved by voters, would repeal the provision of Missouri's Constitution which provides moneys from the State Highways and Transportation fund to pay actual costs of the Highway Patrol in administering and enforcing state vehicle and traffic laws. An additional state-wide sales and use tax of three-eighths of one percent is imposed to fund such activities.

JASON ZAMKUS

01/02/2008 Prefiled

01/09/2008 S First Read--SJR 40-McKenna (S25)

01/16/2008 Second Read and Referred S Ways &amp; Means Committee (S106)

EFFECTIVE: upon voter approval

\*\*\* SJR 41 \*\*\*

3985S.011

SENATE SPONSOR: Rupp

SJR 41 - Upon voter approval, this proposed constitutional amendment shall prohibit all state courts from imposing or ordering any new or increased taxes, licenses, or fees, except when expressly authorized by an act of the general assembly or vote of the people. The amendment also prohibits any state court from instructing or ordering the general assembly or any officer of the state, any political subdivision, or any governmental agency to appropriate or spend public funds, except as expressly authorized by legislation or the vote of the people.

The amendment shall not prevent the state courts from declaring rights and obligations of parties under laws appropriating or authorizing expenditure of public funds; shall not limit court authority to enter and enforce judgments concerning lawful contracts or bonded indebtedness of the state or its agencies; shall not limit court authority to enforce provisions of article X, sections 16 to 25 of the state constitution; and shall not limit court authority to enforce the levy or collection of illegal taxes, licenses, fees or expenditures not authorized by law, or to order reductions in tax rates in accordance with law.

This amendment is similar to HJR 1 (2007) and identical to HJR 41 (2008).

ALEXA PEARSON

01/08/2008 Prefiled

01/09/2008 S First Read--SJR 41-Rupp (S25)

01/16/2008 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S106)

EFFECTIVE: Upon voter approval

\*\*\* SJR 42 \*\*\*

4148S.011

SENATE SPONSOR: Griesheimer

SJR 42 - Upon voter approval, this constitutional amendment would allow special laws to be adopted by the General Assembly when regulating the affairs of counties, cities, towns, or villages, or other political subdivisions within such local governments. Specific notice of the special law to the affected locality shall not be required.

SUSAN HENDERSON MOORE

01/15/2008 S First Read--SJR 42-Griesheimer (S87)

01/16/2008 Second Read and Referred S Economic Development, Tourism &amp; Local Government Committee (S106)

EFFECTIVE: Upon voter approval

\*\*\* SJR 43 \*\*\*

3067S.031

SENATE SPONSOR: Loudon

SJR 43 - This proposed constitutional amendment allocates ten percent of the growth of general revenue to the State Road Fund and the State Transportation Fund. Beginning with FY 2010, ten percent of the growth in general revenue occurring between FY 2008 and FY 2009 shall be transferred to the State Road Fund and the State Transportation Fund, with the State Road Fund receiving 95% of the transfer and the State Transportation Fund receiving 5% of such amount. Any amount transferred to the State Road Fund shall stand appropriated without legislative action. For all subsequent fiscal years, the state treasurer must determine the amount to be transferred to the State Road Fund and State Transportation Fund by comparing the amount of net general revenue collected in the prior fiscal year and the amount of net general revenue collected in fiscal year 2008 (base fiscal year). Once the growth has been calculated, ten percent of the increase shall be transferred to the State Road Fund and State Transportation Fund, with the State Road Fund receiving 95% of such amount, and the State Transportation Fund receiving 5% of the increase. Moneys apportioned under this resolution are not included within the definition of "total state revenues" nor are they considered to be an "expense of state government" for purposes of the Hancock Amendment.

STEPHEN WITTE

01/17/2008 S First Read--SJR 43-Loudon (S111)

01/22/2008 Second Read and Referred S Governmental Accountability &amp; Fiscal Oversight Committee (S122)

EFFECTIVE: Upon voter approval

\*\*\* SJR 44 \*\*\*

4408S.021

SENATE SPONSOR: Loudon

SJR 44 - This constitutional amendment, if approved by voters, would limit increases in assessed value due to reassessment of residential real property to a maximum of the inflationary rate over a prior year assessment until a transfer of ownership occurs. Upon a transfer of ownership, such property would be reassessed at its value for the year in which the transfer occurs.

JASON ZAMKUS

01/22/2008 S First Read--SJR 44-Loudon (S118)

01/24/2008 Second Read and Referred S Ways &amp; Means Committee (S133)

EFFECTIVE: Upon voter approval

\*\*\* SJR 45 \*\*\*

4436S.011

SENATE SPONSOR: Clemens

SJR 45 - Currently, sewer districts and water districts in counties of the first classification and the city of St. Louis may receive grants and loans through the Department of Natural Resources for storm water control projects. This constitutional amendment, if approved by the voters, limits the eligibility for sewer and water districts to only those considered "public."

The amendment removes the requirement that appropriations for the Stormwater Control Fund may not exceed \$20 million in aggregate per fiscal year.

Currently, the Department of Natural Resources is required to provide both grants and loans using the funds resulting from the issuance of storm water control bonds, with 50% of the funding to be used for grants and 50% for loans. This amendment removes the percentage requirements as well as the requirement that both forms of financial assistance must be offered together. Additionally, the amendment removes the requirement that grants are limited to 50% of the cost of a storm water control project.

The amendment modifies the distribution of the grants or loans by the Department by requiring the funding to be "initially offered" to the named eligible recipients rather than "dispersed" to such recipients.

Once the initial offer of grants or loans has been made to all eligible recipients, the amendment allows any unused funds to be re-offered to grant or loan recipients who need additional funding in proportions as described.

The amendment allows repayments of storm water loans and applicable interest to be deposited in a fund to finance and construct storm water control plans, studies, and projects. Unexpended balances in the fund shall not be subject to biennial transfer to the General Revenue Fund and the fund shall retain its interest.

ERIKA JAQUES

01/29/2008 S First Read--SJR 45-Clemens (S147)

01/31/2008 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee  
(S160)

EFFECTIVE: Contingent

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**\*\*\* SR 1472 \*\*\***

SENATE SPONSOR: Gibbons

SR 1472 - This resolution modifies the number of members of certain standing committees.

JIM ERTLE

01/09/2008 S offered (S5)

01/10/2008 S adopted (S68)

EFFECTIVE: upon approval

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**\*\*\* SR 1515 \*\*\***

3682S.02

SENATE SPONSOR: Coleman

SR 1515 - This resolution requires two-thirds of the senators to sustain a motion for the previous question.

JIM ERTLE

01/15/2008 S Offered--SR 1515-Coleman (S87-88)

01/29/2008 SA 1 S offered &amp; adopted (Coleman)--(3682S02.01S) (S145)

01/29/2008 SR 1515, as amended, S defeated (S145)

EFFECTIVE: upon approval

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**\*\*\* SR 1524 \*\*\***

SENATE SPONSOR: Shields

SR 1524 - This resolution establishes the rates of pay for Senate employees as adopted by the Senate Administration Committee.

JIM ERTLE

01/15/2008 S Offered--SR 1524-Shields (S98-99)

01/16/2008 S adopted

EFFECTIVE: August 28, 2008

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\*\*\* HB 2015 \*\*\*

3015L.01T

SENATE SPONSOR: Nodler

HOUSE HANDLER: Icet

## HB 2015 - Supplemental Appropriations - Utilicare

.	Governor	House
GR	\$6,440,785	\$6,440,785
FEDERAL		
OTHER		
.		
TOTAL	<u>\$6,440,785</u>	<u>\$6,440,785</u>

.	Senate	Final
GR	\$6,440,785	\$6,440,785
FEDERAL		
OTHER		
.		
TOTAL	<u>\$6,440,785</u>	<u>\$6,440,785</u>

DAN HAUG

01/08/2008 Prefiled (H)  
01/09/2008 Read First Time (H) (H11)  
01/10/2008 Read Second Time (H) (H35)  
01/10/2008 Referred: Budget (H) (H35)  
01/14/2008 Public Hearing Completed (H)  
01/14/2008 Executive Session Completed (H)  
01/14/2008 Voted Do Pass (H)  
01/14/2008 Reported Do Pass (H) (H46)  
01/14/2008 Referred: Rules Pursuant to Rule 25(21)(f) (H) (H46)  
01/15/2008 Rules - Executive Session Completed (H)  
01/15/2008 Rules - Voted Do Pass (H)  
01/15/2008 Rules - Reported Do Pass (H) (H64)  
01/17/2008 Perfected (H) (H79)  
01/22/2008 Third read and passed (H) (H91 / S121)  
01/22/2008 S First Read--HB 2015-Icet (S121)  
01/23/2008 Second Read and Referred S Appropriations Committee (H126)  
01/24/2008 Hearing Conducted S Appropriations Committee  
01/24/2008 Voted Do Pass S Appropriations Committee  
01/24/2008 Reported from S Appropriations Committee to Floor (S131)  
01/28/2008 S Third Read and Passed (S140 / H131)  
01/28/2008 Truly Agreed To and Finally Passed (S140 / H131)  
01/29/2008 Signed by House Speaker (H131)  
01/29/2008 Signed by Senate President (S147)  
01/29/2008 Delivered to Governor (H131)  
02/04/2008 Signed by Governor (H162-163)

\*\*\* HB 2021 \*\*\*

3021L.01T

SENATE SPONSOR: Nodler

HOUSE HANDLER: Icet

## HB 2021 - Supplemental Appropriations - Conservation

.	Governor	House
GR		
FEDERAL		
OTHER	\$10,000,000	\$10,000,000
.		
TOTAL	<u>\$10,000,000</u>	<u>\$10,000,000</u>

**MISSOURI SENATE  
WEEKLY BILL STATUS REPORT**

	Senate	Final
.		
GR		
FEDERAL		
OTHER	\$10,000,000	\$10,000,000
.		
TOTAL	\$10,000,000	\$10,000,000

DAN HAUG

01/08/2008 Prefiled (H)  
 01/09/2008 Read First Time (H) (H11)  
 01/10/2008 Read Second Time (H) (H35)  
 01/10/2008 Referred: Budget (H) (H35)  
 01/14/2008 Public Hearing Completed (H)  
 01/14/2008 Executive Session Completed (H)  
 01/14/2008 Voted Do Pass (H)  
 01/14/2008 Reported Do Pass (H) (H46)  
 01/14/2008 Referred: Rules Pursuant to Rule 25(26)(f) (H) (H46)  
 01/15/2008 Rules - Executive Session Completed (H)  
 01/15/2008 Rules - Voted Do Pass (H)  
 01/15/2008 Rules - Reported Do Pass (H) (H64)  
 01/17/2008 Perfected (H) (H78)  
 01/22/2008 Third read and passed (H) (H89-90 / S121)  
 01/22/2008 S First Read--HB 2021-Icet (S121)  
 01/23/2008 Second Read and Referred S Appropriations Committee (S126)  
 01/24/2008 Hearing Conducted S Appropriations Committee  
 01/24/2008 Voted Do Pass S Appropriations Committee  
 01/24/2008 Reported from S Appropriations Committee to Floor (S131)  
 01/28/2008 S Third Read and Passed (S140-141 / H131)  
 01/28/2008 Truly Agreed To and Finally Passed (S141 / H131)  
 01/29/2008 Signed by House Speaker (H131)  
 01/29/2008 Signed by Senate President (S147)  
 01/29/2008 Delivered to Governor (H131)  
 01/30/2008 Signed by Governor (H144)

\*\*\* HB 2022 \*\*\*

3022L.01T

SENATE SPONSOR: Nodler

HOUSE HANDLER: Icet

HB 2022 - Supplemental Appropriations - MoSmart Program

	Governor	House
.		
GR	\$1,827,261	\$1,827,261
FEDERAL		
OTHER		
.		
TOTAL	\$1,827,261	\$1,827,261

	Senate	Final
.		
GR	\$1,827,261	\$1,827,261
FEDERAL		
OTHER		
.		
TOTAL	\$1,827,261	\$1,827,261

DAN HAUG

01/08/2008 Prefiled (H)  
 01/09/2008 Read First Time (H) (H11)  
 01/10/2008 Read Second Time (H) (H35)  
 01/10/2008 Referred: Budget (H) (H35)  
 01/14/2008 Public Hearing Completed (H)  
 01/14/2008 Executive Session Completed (H)  
 01/14/2008 Voted Do Pass (H)  
 01/14/2008 Reported Do Pass (H) (H46)

01/14/2008 Referred: Rules Pursuant to Rule 25(26)(f) (H) (H46)  
 01/15/2008 Rules - Executive Session Completed (H)  
 01/15/2008 Rules - Voted Do Pass (H)  
 01/15/2008 Rules - Reported Do Pass (H) (H64)  
 01/17/2008 Perfected (H) (H79)  
 01/22/2008 Third read and passed (H) (H90 / S121)  
 01/22/2008 S First Read--HB 2022-Icet (S121)  
 01/23/2008 Second Read and Referred S Appropriations Committee (S126)  
 01/24/2008 Hearing Conducted S Appropriations Committee  
 01/24/2008 Voted Do Pass S Appropriations Committee  
 01/24/2008 Reported from S Appropriations Committee to Floor (S131)  
 01/28/2008 S Third Read and Passed (S141 / H131)  
 01/28/2008 Truly Agreed To and Finally Passed (S141 / H131)  
 01/29/2008 Signed by House Speaker (H131)  
 01/29/2008 Signed by Senate President (S147)  
 01/29/2008 Delivered to Governor (H131)  
 02/04/2008 Signed by Governor (H163)

\*\*\* HCR 1 \*\*\*

4209L.011

SENATE SPONSOR: Shields

HOUSE HANDLER: Tilley

HCR001 Tilley, Steven

\*\*\*\*\* NO BILL SUMMARY \*\*\*\*\*

01/09/2008 Offered (H) (H9)  
 01/09/2008 Adopted (H) (H9 / S58)  
 01/09/2008 S Offered (S58)  
 01/14/2008 S adopted (S79 / H54)  
 01/14/2008 S escort appointed: Gibbons, Shields, Coleman, Loudon, Stouffer, Ridgeway, Kennedy, Wilson, Shoemyer, Barnitz (S81 / H54)  
 01/15/2008 S escort committee change: Nodler replaces Ridgeway (S90 / H54)  
 01/15/2008 H escort committee appointed: Fares, Pearce, Portwood, Quinn (7), May, Hoskins, Grill, Walton, Salva, Young (S97)  
 01/15/2008 H appointed Lt. Governor and Senators escort committee: Lipke, Wasson, Guest, Avery, Deeken, Villa, Hubbard, Wright-Jones, Skaggs, Aull (S97-98)

\*\*\* HCR 2 \*\*\*

4210L.011

SENATE SPONSOR: Shields

HOUSE HANDLER: Tilley

HCR002 Tilley, Steven

\*\*\*\*\* NO BILL SUMMARY \*\*\*\*\*

01/09/2008 Offered (H) (H9)  
 01/09/2008 Adopted (H) (H9 / S58)  
 01/09/2008 S Offered (S58)  
 01/14/2008 S adopted (S79 / H54)  
 01/28/2008 S Escort Committee appointed: Gibbons, Coleman, Bartle, Goodman, Mayer, Scott, Justus, Callahan, McKenna, Smith (S142 / H131)  
 02/05/2008 H Escort Committee appointed: Cunningham (86), Wright, Scharnhorst, Kelly, Dethrow, Yaeger, Bringer, Zweifel, Donnelly and Page  
 02/05/2008 Corrected H Escort Committee: Jones (89), Lipke, Stevenson, Flook, Cox, Burnett, Witte, Zimmerman, Walton, Harris (23)

\*\*\* HCR 3 \*\*\*

4211L.011

SENATE SPONSOR: Shields

HOUSE HANDLER: Tilley

HCR003 Tilley, Steven

\*\*\*\*\* NO BILL SUMMARY \*\*\*\*\*

01/09/2008 Offered (H) (H9)  
 01/09/2008 Adopted (H) (H9 / S58)  
 01/09/2008 S Offered (S58)  
 01/14/2008 S adopted (S80 / H54)

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